

**SUFFOLK COUNTY LEGISLATURE
GENERAL MEETING
FIFTH DAY
MARCH 11, 2003**

MEETING HELD IN THE LEGISLATIVE AUDITORIUM OF THE

EVANS K. GRIFFING COUNTY CENTER

300 CENTER DRIVE, RIVERHEAD, NEW YORK

MINUTES TAKEN BY

LUCIA BRAATEN AND ALISON MAHONEY, COURT REPORTERS

[THE MEETING WAS CALLED TO ORDER AT 4:05 P.M.]

P.O. POSTAL:

Will all Legislators please come to the auditorium. Henry, please call the roll.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCILO:

Here.

LEG. GULDI:

Here.

LEG. TOWLE:

(Not Present)

LEG. FISHER:

Here.

LEG. HALEY:

(Not Present).

LEG. FOLEY:

(Present).

LEG. LINDSAY:

Here.

LEG. FIELDS:

Here.

LEG. ALDEN:

(Not Present)

LEG. CARPENTER:

Here.

LEG. CRECCA:

Happy to be here.

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present)

LEG. BINDER:

Here.

LEG. TONNA:

Here.

LEG. COOPER:

Here.

D.P.O. CARACAPPA:

Here.

P.O. POSTAL:

Here.

MR. BARTON:

14 present. (Not Present at Roll Call: Legs. Towle, Haley, Alden and Bishop)

P.O. POSTAL:

Before we proceed, I'd just like to remind everybody to please turn off all cellular phones and all beepers. Please turn them off.

LEG. ALDEN:

Henry.

P.O. POSTAL:

And we will continue, if everyone will please stand, with our salute to the flag, led by Legislator Guldi.

(Salutation)

Please remain standing. We'll have the invocation from our guest Clergy, introduced by Legislator Guldi.

LEG. GULDI:

Okay. My staff forgot to tell me I was doing this. It's my pleasure to introduce Reverend Charles Hopson from the Calvary Baptist Church in East Hampton?

REVEREND HOPSON:

Correct.

LEG. GULDI:

As our guest Clergy for the day. Thank you for coming. His trip here was a little longer than the trip from Hauppauge, just for the record.

REVEREND HOPSON:

Thank you. It's a pleasure to be here. Shall we pray. Our Father and our God, in the name of Jesus, we thank you, Eternal Master, for this day. We thank you for your goodness and your mercy. Lord God, we're so grateful that we live in a country that's a gospel land, oh, God, and a bible country. We're so glad, Father, that this is a country, oh, God, where we have freedom. Now, as this deliberating body comes together, Holy Father, we ask that you endow them with wisdom and knowledge and understanding that they might do what is right and pleasing in your sight, that they might represent those who place their faith and confidence in them by electing them to this office. Bless them now as they begin their proceedings in the mighty name of Jesus, the one who suffered, bled and died for our sins, didn't have to do it, but he did. Amen, amen, and amen.

P.O. POSTAL:

Thank you, Pastor. Please, be seated. Legislator Cameron Alden, Legislator Ginny Fields, myself and Jean Heath, who is Chair of the Women's Advisory Committee, will present a proclamation to the Woman of Distinction in Suffolk County. So, if we can all go to the podium.

LEG. ALDEN:

I think Ginny Fields actually wrote the legislation, so we're going to put her up first.

LEG. FIELDS:

The purpose today is to introduce the Legislator from the -- what district are you, the 10th?

LEG. ALDEN:

Tenth.

LEG. FIELDS:

Tenth District's choice. We had a resolution to pick a Woman of Distinction, and it was the choice of 18 Legislators to pick a Woman of Distinction from their Legislative District, and then it would go before the Women's Commission, Women's Advisory Commission, to pick the one woman out of the 18 who would be the woman that we would choose to be Suffolk County's Woman of Distinction. So now I'll give it back to Legislator Alden to congratulate his choice.

LEG. ALDEN:

I think we have to introduce Jean Heath, too, and just allow her to say a couple of quick words about the process.

MS. HEATH:

It's a great honor to be here today to honor Kay. It was a very difficult choice by all of us, all of the nominees that were sent to us by the Legislators were Women of Distinction in their own rights. It was a difficult choice, but as you'll all hear and get to know, Kay is a very well-rounded woman and one makes us all want to get up and do more. And thank you for allowing me to be part of the process.

LEG. ALDEN:

Thank you. And next up, our Presiding Officer, Maxine Postal.

P.O. POSTAL:

Thank you. It's really a wonderful opportunity to present a proclamation to a woman who's been recognized for what she's contributed and what she's done. It's especially meaningful at this time when this Legislature, for the first time in its history, has five female members. Now, that means a great deal to those of us who a couple of years ago formed Legislative Women's Caucus in recognition of the fact that we had four female members and we were very proud and very pleased about that. But now it's even better, because Legislator Lynn Nowick has joined us and now there are five of us and --

LEG. HALEY:

We've got to do a men's caucus.

P.O. POSTAL:

I just keep thinking onward and upward. And I was at the Long Island Association recently and I was struck by the fact that the Presiding Officers of both the Nassau County Legislature and the Suffolk County Legislature are women, so.

(Applause)

With that in mind, I am honored to have Legislator Cameron Alden tell you why we have made our selection of this Woman of Distinction.

LEG. ALDEN:

I think that, first off, in just describing Kay, that she's done so many things and she continues to do so many things for the community at large and also for Suffolk County, that it would just take up too much time to go through that. But I think that, primarily, if you ask one question and you get the answer to that, I think you have the reason why Kay is up here. Did she leave this place and make this place a better place for all of us? And the answer to that is an overwhelming yes. And can she be replaced? No. And so I think that that's pretty much why it puts her as the Woman of Distinction in Suffolk County. And if you look under in the dictionary as far as a definition of community service and love for her fellow mankind and also for her community, Kay Erwood's name and face would be right there. So I am really proud to have her in my district, because it actually makes my job a lot easier. A lot of things that might come to me are already taken care of by Kay, and I just want to thank you so much. Congratulations.

(Applause)

MS. ERWOOD:

Is it all right if I face this way?

P.O. POSTAL:

Absolutely.

MS. ERWOOD:

I just have a couple of words that I'd like to say. I'd like to thank you, Cameron, for this wonderful honor, and for all of you folks that have brought this about, and for you having a Woman of Distinction of Suffolk County, which is a step in the right direction. I welcome my family, my friends, my colleagues. There is no plan that brings us to this place. What does it take to live a life of enthusiasm and purpose? My only answer is influence. After church on Sunday, my sisters and my brother, we sat together having breakfast and we reflected on the influence of our parents. They taught us God, country and family was most important. By their role model, we have gone through our lives helping, volunteering and working hard for many good causes. There are many more folks than we who have more talent and more time, but simply are not motivated to get involved.

It all started with us at Saint Mark's Church. Mother took us there to all activities, and whatever was to be done, we joined in. Cooked the church dinner, baked the cakes, washed the dishes, run the fund-raiser, chaired the auction, we just do it. But it is influence that is the key. When we teach our grandchildren, students, our neighbors to make a compost pile, to plant daffodils in the parks, to create a Main Street mural, to clean the beach, it's something they will never forget. They have accomplished something great. Painting over graffiti under the bridges, restoring a playground, freeing the streams of grocery carts, collecting plastic bags, recycling, kids see this and they understand. They make a difference. We were restoring a long lost courtyard at school and one of the young fellows couldn't get the shovel to go in the ground. I said to him, "Honey, you got to step on that shovel. In fact, you can jump on it." The kids today have no clue with what to do with implements, because everyone has a landscaper.

You will do your children more harm than good if you do not encourage them to do and to get involved, and that means menial jobs. When there is a job to be done in a group, it brings joy and focus, it becomes fun. Putting on those wader boots and pulling tires out of the pond, that's a hoot to the teens, and they have a feeling that is strong and proud. To light a fire in the hearts of kids is the most exciting experience. To encourage in positive ways lightens the task. It's a privilege to work hard for no more reward other than feeling a job well done.

And when I speak to children in groups, I tell them about Johnny Appleseed, that Johnny Appleseed was like a homeless person. He didn't have a roof over his head. He went from place to place and cleared the ground all over America. We weren't even the United States then. And he cleared the place and planted seeds. And when the people who came out to the frontier came, they were awe struck, because they found orchards already growing. So I tell the young

people in our district, or wherever I speak, whether you live in an apartment for six weeks, six months, six years, or sixty years, you can make your space a better place. Take pride in it. They may move off of Long Island and say, "I lived on Long Island and it was a wonderful place." But we who live here know it's the best place, and Suffolk County is the best place, and for me, Islip is the best place. Thank you very much.

(Applause)

P.O. POSTAL:

We're going to move to the next part of our agenda, which is reports by officials, and we will start by calling Lee Koppelman, the Executive Director of the Long Island Regional Planning Commission.

MR. KOPPELMAN:

Presiding Officer Maxine Postal, distinguished members of the Suffolk County Legislature, in marshalling my thoughts that I wished to share with you today, I couldn't help but reflect on the three-and-a-half decade history of this Legislative body. My few comments relative to that is not news to the Legislators, but it certainly should be understood by the citizens of Suffolk County. In my judgment, there isn't any Legislative body at any county of the 3,000 some-odd counties in the United States that even comes close to the history and accomplishments of this particular body in terms of innovative actions, in terms of an activist role, and in terms of your continuing support, not just for general comprehensive land use planning, but for every aspect of health and environmental planning. And the unique nature of the actions of this Legislative body over this period of time has been almost totally without partisanship relative to any of the principals involved in these subjects.

And I couldn't help but reflect on some of the innovative actions that this body took that has become law in more than half the states of the nation, and certainly has guided legislation in the State of New York. So, instead of the County as being followers of the State, in most cases, the State has been the follower of actions taken by this body, such as the banning of synthetic detergents, such as the purchase of development rights for farmland. All of these were the first in the nation, the bottle deposit bill started here and then adopted by the State of New York, the passage of the Conservation Bill of Rights, the creation of a Council on Environmental Quality, the actual creation of my own agency, the Regional Planning Board, the protection of wetlands, which led the State to pass the 1972 legislation on fresh water and marine wetlands, and, of

course, your more recent activities for health planning, vis-a-vis your bans on smoking, which took tremendous courage in terms of the opposition that was raised, as well as this government's position on drunk drivers, who are perhaps responsible for up to half the deaths that occur in this County, as well as half the deaths that occur across the nation.

In term of your activist role, there aren't any other counties I could think of that sued the United States government, knowing in advance you didn't have standing, to prevent offshore oil exploration, which could have wiped out not only our pristine beaches, but the entire tourist economy that at that time was over two billion dollars, your activist role in shutting down the Shoreham Nuclear Power Plant, these are all actions that very few Legislative bodies at any level have had the courage to act on.

From my personal point of view, your consistent support of planning, from the creation of that Legislature to the present time, in terms of strong Charter legislation, we have stronger Suffolk County Charter provisions than any other county in the State of New York, stronger than the State law. Your support of the various plans that either the Regional Board or the County Planning Commission have come up with are further testimony to the accomplishments of this body.

And so I'm particularly pleased today to speak on behalf of legislation that this body is considering, which is only another feather in the cap of the Legislative body, namely the County's additional efforts to support the revitalization and support of central business districts throughout Suffolk County.

A couple of weeks ago, I had the pleasure to be present with Legislator Nowick and several of her colleagues in the Legislature in what I thought was a brilliant recommendation, to revitalize the Kings Park Central Business District by utilizing a surplus building at the State Hospital grounds. Five years ago, this Legislature shared its concern for downtown business areas by starting a program to assist CBD's in becoming revitalized.

Let me observe that across the United States, some people say we have to look to Florida for these Disney type new communities. Let me say that for over three centuries this County has pioneered in terms of community development, and there's no lesson that we could learn from others, rather the reverse.

Now, many of our downtowns, particularly communities like the Village of Port Jefferson, Bridgehampton, East Hampton, where there are great resources, these are very successful central business districts, and largely because the zoning did not bring in competition from box stores or highway strip commercial, so they were protected. But we have many CBD's that have suffered from that kind of competition, and these central business districts are the heart of our communities. This is what the citizens relate to.

And so I'd certainly commend Legislator Postal and those members of the Legislature that have cosponsored the action before you today, and I would certainly recommend in the strongest possible term that this Legislative body unanimously endorse this action. It's another step in a very, very desirable and commendable Legislative action on the part of the Suffolk County Legislative Body. And I thank you for your patience and the opportunity to share my voice of support for what the Legislature is considering doing. Thank you very much.

(Applause)

LEG. FOLEY:

Thank you, Lee.

P.O. POSTAL:

Thank you. Legislator Fisher, for the presentation of a proclamation.

LEG. FISHER:

Thank you, Madam Chair, for those -- for the opportunity --

P.O. POSTAL:

Vivian, I don't think the microphone's on.

LEG. FISHER:

The mike's not on?

LEG. FIELDS:

It's on. You have to talk close.

LEG. FISHER:

I'm sorry, I'm just speaking too softly. Thank you, Madam Presiding Officer. I would like to present this proclamation to Vincent Blangiardo. Vincent won the "Dump the Water" poster contest, which -- Vincent? Where is he?

(Applause)

His parents can also join us, and his siblings. Congratulations, Vincent. Vincent's really quite the artist. And I learned, when I went to his it school to meet him, I met his parents as well, that his brother is also, his twin brother is also an artist whose work was featured at the Long Island Museums in Stony Brook. So we have a family of artists and a family of people who are very civically minded. And I think that Vincent and I had a good conversation when I went to the Clinton Avenue School, and you really expressed a real understanding of what you were working on. And I think it's great to have people like you who are going to grow up to be great citizens of our wonderful County.

You heard from Dr. Koppelman all the wonderful things that have occurred in Suffolk County, and it's because of people like you who have vision and have imagination. So thank you very much for being part of the poster contest, and congratulations on being the winner.

(Applause)

LEG. FISHER:

Would you like to say something, Vincent? Go ahead. Say thank you.

MR. VINCENT BLANGIARDO:

Thank you.

(Applause)

MR. BLANGIARDO:

Thank you.

P.O. POSTAL:

Thank you very much. Now, I'd like to -- I'd like all Legislators to please return to the horseshoe. We have -- we really have a bare minimum. We're going to have some very

valuable information presented to us, so, please, return to the horseshoe. And I will have Legislator Ginny Fields introduce a guest speaker, who's taken a lot of time and a lot of trouble to come here to give us some really valuable information.

LEG. FIELDS:

Thank you, Presiding Officer Postal. As a member of the Soil and Water Conservation District, over the last couple of years, we've talked very much about agriculture. And there is a program called AEM, which I will let the -- our guest speaker talk to you about. But I thought it would be prudent for all of us to hear what the Commissioner of New York State or Department of Agriculture and Markets, Nathan Rudgers, is going to say to us, and so I would like to introduce him to talk about some programs within the State.

MR. RUDGERS:

Thank you, Legislator Fields. Good afternoon, everyone, and thank you for having me down this afternoon. My name is Nathan Rudgers and I'm the Commissioner of Agriculture for New York State. And I have an observation or a question to ask you this afternoon, and that is while we all recognize the value of agriculture in Long Island's past and Suffolk County's past, do we see a place for agriculture in Suffolk County's future?

Suffolk County is a tremendous producer of leadership, and you just heard about it. What a great presentation. They also produce some pretty good farmers here, and some of them left, actually. I am a descendant of Bull Smith and he had a granddaughter that was named Nancy Purdy, and she married a fellow by the name of -- what's his first name? Yes. Well, his last name was Rudgers, no less, and so -- and they moved to Covington, New York, which is in the western part of the state, and that's where I grew up.

Another leader of more recent vintage is Bill {Sanek}, and I have today a presentation for Bill before I talk to you about AEM. I have a certificate of recognition, Bill. I didn't realize you were going to be here today and I was going to give it to someone to give to you, but that's from us at the Department of Agriculture and Markets for your many, many years of service to the people of Suffolk County.

{MR. SANEK}:

Thank you very much.

MR. RUDGERS:

Congratulations. Thank you for indulging me there and I will be brief. The future of agriculture in this County depends a lot on whether we can have profitable agriculture, whether it's more valuable for farmers to work the land than it is to sell it for some other purpose. Nowhere in New York State and nowhere on the East Coast of the United States is that -- is the battle over choices over what happens to agricultural land more intense and more direct than here in Suffolk County. And as you heard earlier, you folks, the Legislature of Suffolk County, and the people of this County, took strong and direct action many, many years before anyone in the United States thought of, the idea of purchasing development rights from farmers to help them stay on the land. But that's not the only tool. The other and more important tool is to maintain a profitable opportunity for them.

Agriculture, like many of the other activities that take place within your County, is certainly about balance, and there is a balance between economic activity, between working the land and protecting the environment. The folks in the New York City Watershed certainly recognize that balance, and when it was looking like incredible restrictions would be put on the activities of agriculture within that watershed to protect the pristine water supply for the City of New York, an idea came along that suggested that with incentives and with planning, new practices could be put on the land to help farmers deal with environmental issues, help them maintain their activities, maintain a profitable agricultural enterprise, and maintain the preferred land use in that watershed. That idea evolved into a series of work sheets and a series of steps or planning processes and implementation processes in the Skaneateles Lake Watershed, which is the watershed for the City of Syracuse, and evolved into a process called AEM, Agricultural Environmental Management. Born in New York City, developed in New York City Watershed, developed in the Syracuse Watershed, and implemented in Wappangers Creek Watershed in Dutchess County and in the Finger Lakes.

AEM has come forward as a program which helps farmers address environmental issues effectively, appropriately, cost effectively, and within the limits of and attention of the local government officials and the local residents in order that local issues and local concerns can be addressed, in order that there's local ownership of the process, and in order that farmers feel like they've got a partnership within their community.

The Long Island Environmental Stewardship Working Group was a group put together to address issues of intense environmental concern from agricultural perspective here in Suffolk County,

pesticide use, nutrient runoff and nitrogen levels, loss of land through erosion, and other concerns, were being dealt with by the stewardship group, and they were looking for a tool or an approach to help them address these issues in a reasonable way. AEM has come along to fit that bill.

Past -- proposed by the Governor in 2000 to be instituted as statute for the State of New York and passed in that year, AEM is now in place and being used across this state, and it is being embraced by your local partners, the people that you support, that otherwise address other agricultural issues. As Legislator Fields mentioned, the Soil and Water Conservation District here in Suffolk County is a leadership agency. Cornell Cooperative Extension, which is very actively and appropriately represented in this audience, is a partner in that discussion. Environmental groups are partners in that discussion. Agriculture groups like the Farm Bureau are partners in that discussion. And what's come out of that discussion is the development of effective work sheets that help farmers deal with environmental issues on their farms, and over a half a million dollars in funding from the Governor's Nonpoint Source Pollution Abatement Control Program to help them implement those -- develop those plans and implement those plans on farms in Suffolk County. We're not done yet, we have a lot more work to do.

In the Governor's 2003-04 budget, there is 4 million dollars proposed statewide to help farmers address these issues. We hope to see some of the that funding come to Long Island.

So now we have a partner for your outstanding Farmland Protection Program, that partner AEM. And when you're thinking about how farmers are dealing with environmental issues and whether there is an effective approach for them to address those issues in a manner that allows them to remain profitable, in a manner that allows them to demonstrate their good stewardship practices, and in a manner where you folks can share part of that process and share part of that success, you have that program in AEM. I ask for your full endorsement and support of this program, and hope that you recognize the application of this process as it goes forward.

Thank you so much for indulging me this afternoon. And I did enjoy my four-and-a-half hour drive down and I will also enjoy my trip back. Thank you again for your hospitality.

LEG. HALEY:

Thank you for coming.

(Applause)

P.O. POSTAL:

Thank you, Mr. Rudgers. Thank you very much.

MR. RUDGERS:

You're quite welcome.

P.O. POSTAL:

We're going to move --

MR. RUDGERS:

Daniel.

P.O. POSTAL:

-- to the Consent Calendar. I don't know, do we have any questions? Any questions of Mr. Rudgers? Thank you.

LEG. CRECCA:

Thank you for coming down.

P.O. POSTAL:

We're going to turn to the Consent Calendar. And I will take a motion to approve by Legislator Foley, seconded by Legislator Haley. All in favor? Opposed? The Consent Calendar is approved.

We're going to move to the public portion. As those of you who have been here before know, you will have three minutes to address the Legislature. We're going to begin with Grace Ioannidis. Grace Ioannidis.

MS. IOANNIDIS:

Good afternoon. Many of you know me from the last past -- the last two years, we've been fighting on legislation, both on the County level and the State in order to eliminate sober houses. I will begin by commending those of you that have stuck to the issue and favor

legislation through the County. Joseph Caracappa, Fred Towle have been -- and Brian Foley and William Lindsay. He's a newcomer in this Board.

I begin by speaking to you about the problem of sober houses. More than 30 sober houses have been created in about 4.5 square miles portion of Mastic and Shirley area, some with as many as 16 and 20 residents per home. These sober houses are usually unsupervised and provide no professional services. The operators of these houses oftentimes are not qualified to operate such facilities, and, as a result, has been disorderly and even criminal conduct by inhabitants, otherwise peaceful -- in a peaceful residential neighborhood.

In addition, the atmosphere in these facilities does not benefit the recovering alcoholics and substance abusers who are seriously attempting to get their lives straightened up. Often, the only person benefiting from the poorly run facility is the person who operates it. The Suffolk County Department of Social Services provides financial assistance and some related services to the residents of the sober houses. Landlords can refuse the request for an inspection on these facilities, and there are no requirements in place to notify the Town or the surrounding residents of the new sober house site.

The proliferation of sober houses is on the rise and action needs to be taken immediately. It is for this reason that I support Resolution 2246. And in this proposed legislation, the operator of the sober house would, number one, be required to obtain an operating certificate from the County; two, show a local need for such facility; three, establish character and a financial standing of the applicant; four, demonstrate the adequacy of the premises and services to be provided; and five, comply with local laws.

To get this bill passed, we need your help. The Citizens Action Coalition -- I am a president of the Citizens Action Coalition for the last five years -- has urged and gotten support from all Suffolk County. We are now -- the legislation is also pending in the State, but as a result that the State is taking such a long time, we are now seeing overall amount of sober houses operating throughout the Town and the County and the state. With me, I brought thousands of petitions that I will leave with you tonight to demonstrate that this issue is not just Mastic, Mastic Beach and Shirley. These are just the petitions for Mastic Beach, but I would like to demonstrate --

P.O. POSTAL:

Mrs. Ioannidis.

MS. IOANNIDIS:

-- that Bellport --

P.O. POSTAL:

You can just leave them. We'll --

MS. IOANNIDIS:

Okay. And Bellport.

P.O. POSTAL:

We'll have them brought up.

MS. IOANNIDIS:

I just want to mention Greenport, Yaphank, Ridge, Lake Ronkonkoma. These are petitions that we have obtained from the whole Town of Brookhaven in Suffolk County. So, folks, sober houses are not just in our neighborhood, they're all over, so please support this legislation, 2246. Thank you so much.

P.O. POSTAL:

Thank you.

(Applause)

Next speaker is Don Seubert. Is he here?

LEG. FOLEY:

Yes.

P.O. POSTAL:

Okay.

LEG. FOLEY:

He's right here.

MR. SEUBERT:

Good afternoon, honorable members of the Suffolk County Legislature. Passage of Resolution 1917-02 will confirm commitment to the Central Pine Barrens Comprehensive Land Use Plan and uniquely provide open space just fifteen hundred feet off Medford's busy Route 112, an area seemingly devoid of open space, intelligent and inspiring planning. Medford's Granny Road property has -- Medford has little open space. Its streams have been blacktopped, or at best, built to their banks. This kettle hole, forested property will give validation to other blue color Suffolk communities that their historical -- that their historical, archeological, geological and environmental character is as important to preserve as any other.

The superb credentials of this keystone parcel makes prudent use of taxpayers' money, and clearly manifests the worthy goals of the Suffolk County Land Acquisition initiatives. At this moment, this parcel is surrounded by other large tracts of similarly forested land. This truly portal parcel rises over 170 above sea level and possesses over 170 identified species of plants.

Reading through the environmental study, I encountered an existing rare natural woodland community of Pitch Pine-Oak-Heath Woodland, near by the Falcate Golden Aster, on site the hyssop hedge-nettle, the Pine Barren Sandwort, red-spotted newts, marbled salamanders, eastern box turtles and toads, species from endangered to concerned. Familiar plants as aromatic trailing arbutus, spotted wintergreen, flowering dogwoods abound on the site. But what really struck me was that over the years, why so many plants, butterflies, birds, moths, mammals once present on the site were no longer. Perhaps your backyard habitat had blueberry, huckleberry, mountain laurel, wintergreen, trailing arbutus like mine.

The David Overton dirt road now bears the name Middle Island Road. Possible Indian, Revolutionary history, cemetery stones have been lost or at least covered up. Overton's dirt road served me well. It was a shortcut to Old Man Manzoni's Dairy Farm on Mill Road where we got to check out Mr. Manzoni's cows and buy milk with the cream on the top. Like the plants and animals that have not recently shown their face, the Long Island dairy farm appears extinct, and perhaps five dairy farms were in this area.

Is there a working dairy farm on Long Island? This is not ancient history. My three oldest daughters are only in their late 20's and early 30's, purchased milk with me.

P.O. POSTAL:

Mr. Seubert.

MR. SEUBERT:

Yes.

P.O. POSTAL:

I'm sorry, your time is up.

MR. SEUBERT:

Okay. I just want to conclude and say --

P.O. POSTAL:

If you'd like to submit -- if you have a statement, you can just submit it to the Clerk and it will be distributed, copies will be distributed to each Legislator.

MR. SEUBERT:

Oh, okay.

P.O. POSTAL:

Thank you.

MR. SEUBERT:

I would just like to say that if we could do this, a bit of the old {sard} in this March day and Saint Patrick's Day to preserve this for the Overton Family would be a good way to start this celebration for Saint Patrick's Day.

P.O. POSTAL:

Thank you.

MR. SEUBERT:

Thank you very much.

P.O. POSTAL:

Next speaker is Pat Seubert.

MRS. SEUBERT:

Good afternoon, everyone. I'm just here to read --

P.O. POSTAL:

Mrs. Seubert, please just speak right into the microphone.

MRS. SEUBERT:

Okay. Thank you.

P.O. POSTAL:

Thank you.

MRS. SEUBERT:

I'm just here to read a few letters in favor of the 1917-02, the purchase of the Granny Road parcel in Medford. First, I have a statement from Joan {Trevan} , President of the Medford Taxpayers and Civic Association.

To preserve Medford's past for future generations, we ask that this 85-acre parcel be preserved. It is one of the last pristine parcels of land left in Medford."

I have a letter from a resident Medford who reads, "My name is Joseph Jannsen and I've been a resident of Medford for 33 years. I've participated in numerous reptile and amphibian surveys for the New York State Department of Environmental Conservation. I first became aware of the Overton site as a young boy over 25 years ago, when I would visit the roadside pond and catch green frog adults and tadpoles, and marvel at the abundance of Eastern Box Turtles that roamed the surrounding woods. As an adult, I have continued to visit the property, introducing my life to the wonders it holds. The two ponds and associated uplands located on the west side of David Overton Road are breeding sites for at least seven species of amphibians, including the northern spring peeper, wood frog, red spotted newt, marbled salamander, red back salamander, green frog and eastern tiger salamander."

"In addition, there are several amphibian species that potentially occur in the ponds and the surrounding upland habitat, including northern gray tree frog, spotted salamander and Fowler's toad. Upland habitat is critical to the species listed above. Most amphibian species utilize the

pond for breeding, but spend most of their lifecycle in the surrounding forested areas. Amphibian populations are in serious decline around the world. It is absolutely necessary to protect this property from fragmentation and the influx of hundreds of individuals into this sensitive environmental area in order to preserve the robust diverse amphibian assemblage, as well as the incredible diversity of fauna and flora."

"I strongly urge you to support the acquisition of this entire eighty-five plus acres of the Ponds at Coram, the Overton parcel. Thank you. Sincerely, Joseph Jannsen."

P.O. POSTAL:

Thank you.

(Applause)

Next speaker is Victor Massian, Jr.

MR. MASSIAN:

Can I use this microphone?

P.O. POSTAL:

Yes, that would be fine.

MR. MASSIAN:

Hello. Okay. I'm talking about the Coram Hills area, the David Overton Homestead. Wincoram, according to Brookhaven Town records, he was a Native American, in which whom Coram got its name from.

If we take a look at the Overton Homestead, this structure was built in 1738 and was occupied by David Overton and eight of his sons. This photograph was taken in 1911, shortly before the structure collapsed.

Now, the Overtons, during the American Revolution, seven of their sons were listed as patriots. Three of the sons were granted pensions from the Federal Government. One such Overton son was Justus Overton. And what you're seeing here is a hyperlink to our district's web page, where we have students that have been researching their local residents, and on this site,

through deeds and wills, the students have compiled a biography, and that's why I'm here today.

This is an aerial view of the land being proposed. Granny Road's in the lower right-hand side. Okay. The Overton Homestead. We have David Overton Road, Mill Road, and where Home Depot now stands on Middle Country Road, is where the hay burning took place.

The youngest Overton, unable to list during the Revolution, assisted Colonel Talmadge in the burning of three hundred tons of hay that the British were saving as a stockpile for the winter for their calvary. According to a letter written to some of the patriots by Colonel George Washington -- I'm sorry, General George Washington. The destruction of the foliage collected for use of the British Army at Coram upon Long Island was of much consequence.

The area that I'm pointing to right now, the Davis Airfield, has been acquired my Suffolk County. We are looking at the eventual acquisition of the land shown here. At the moment, we're focusing in on the southwest portion of this land. Granny and Mill Road, they were major arteries to the three mills of Yaphank. Many colonial industries were located along these roads, one of them -- well, actually, two of them being brick kilns that many of the local residents came and purchased bricks for their homes. We have a tannery. And also, Isaac Overton, who fought in the Revolution, was stuck in Connecticut for several years, came back to help his father in his old age and set up a blacksmith shop.

Our students, with the help of Suffolk County Clerk, Mr. Romaine, and Sharon {Polan}, the Suffolk County activist -- archivist, I'm sorry, they have assisted our students in the location of wells and deeds to help our students locate where these structures may have been, as well as complete a biography and tell our community's history.

P.O. POSTAL:

I'm sorry, but your time is up. Thank you.

MR. MASSIAN:

Thank you.

LEG. FISHER:

Thank you very much.

(Applause)

P.O. POSTAL:

You know, if you haven't, you might consider making a presentation to the appropriate committee.

LEG. FOLEY:

He did.

P.O. POSTAL:

Oh, have you? Okay.

LEG. FOLEY:

It was very good.

LEG. CARACAPPA:

Well done.

LEG. FOLEY:

Nice job.

LEG. CRECCA:

Is there a name of that land mass to be --

MR. MASSIAN:

It's the Overton.

LEG. FISHER:

The Overton.

LEG. FOLEY:

Coram Pond.

MR. MASSIAN:

Coram Pond. It's off Granny Road.

LEG. BISHOP:

What are you asking a question?

LEG. CRECCA:

That was not an official question.

P.O. POSTAL:

You certainly fooled us.

LEG. CRECCA:

I forgot. Twenty lashes.

LEG. GULDI:

Forty lashes.

P.O. POSTAL:

I'm going to report you to your sons.

P.O. POSTAL:

Our next speaker is Joan Andersen, but I believe that I'm going to ask Miss Andersen to just wait, because we only have, let's see --

LEG. HALEY:

Nine.

P.O. POSTAL:

Nine Legislators. We do not have a quorum. And so if you would just please be seated and just give us a little time. The meeting is going to be suspended until we have a quorum present. I'd like to ask all Legislators to return to the horseshoe. We have a speaker. We do not have a quorum and the meeting has been suspended, according to our rules, until we do again have a quorum.

[THE MEETING WAS SUSPENDED UNTIL A QUORUM WAS PRESENT]

LEG. CARACAPPA:

Ten.

P.O. POSTAL:

Thank you, Cameron.

P.O. POSTAL:

Okay. Mrs. Andersen, please proceed. We do have a quorum.

MS. ANDERSEN:

Hello. Can you all hear me? **(Affirmative response)** I'm good here? Okay. My name is Joan Andersen. I'm co-founder of SAD, S-A-D, Seniors Against Discrimination. I think a lot of you have heard this already. Our petition has been saturated throughout Brookhaven. I'm here mainly to thank Mr. Towle for presenting to the Legislation. I understand he did it last week and it was past unanimously there and it's being presented to you now. As you know, it's about the unfair distribution of funds on the 1997 Balanced Budget Act that allocated more funds for the five boroughs than they did to Nassau and Suffolk County, Suffolk County being on the bottom of the list. Suffolk County seniors get \$240 less per senior per month than a Staten Island senior. Totally unfair.

Being a grassroots organization and out there every day and listening to seniors, I can tell you that never before have seniors been in such dire straits. The premiums of the remaining HMO's have hurt them so sorely in the past with the indication of knowing the five boroughs pay nothing and their benefits are better. The 65% hike that was given to them by Empire was the final straw for many. We hear of choices being made between drugs or insurance premiums, as they can't afford both, or senior children -- senior's children subsidizing them, which is hurting their families, seniors being forced to sell their homes and move in with children, as they could not longer afford the huge expense of living on Long Island with these insurance hikes, and, finally, of seniors giving up insurance altogether and wondering about what will happen to them in case of a catastrophic illness.

Seniors of today built this country. They paid for the government buildings, the libraries, the roads, the schools, etcetera, and they're still paying. They fought in the wars, 'Nam, Korea, and some in World War II. It is not right that in their golden years this stress should be upon them,

especially when it is not in their neighboring counties. I have heard many times of a senior that wants to kick in their T.V. set when the commercial for HMO's come on and on the bottom, it says, "Not available in Nassau and Suffolk County."

In correcting this disparity, the government is justifyingly acknowledging their contribution to this society and letting them know they have the right to live their golden years in peace without monetary stress.

Currently, we collected approximately 14,000 signatures in five weeks. Nassau County is just coming on board with their petition. And this is not an internet petition, this is a petition that's solely sent out to people who are themselves doing it. The Machinist's Union, Grumman retirees, Long Island Railroad retirees are all getting involved. Congressman Israel is taking us to Washington with our petitions in April. Our rally is March 30th. Senator Schumer, Congressman Israel and Bishop will be there.

I appreciate your attention to this matter and thank you for your time on behalf of the seniors of Suffolk County. Thank you for your support.

P.O. POSTAL:

Thank you, Ms. Andersen.

(Applause)

Our next speaker is Charles Ott.

MR. OTT:

This is in reference to Page 8, Item Number 1917. The property located at Granny Road and abutting both sides of Overton Road, Middle Island Road, is uniquely suited for preservation, possibly as a minor preserve. It is part of the Ronkonkoma glacial moraine, which includes Lake Ronkonkoma and Bald Hill. If you were to look east from Bald Hill, you would see rolling furrowed hills running from south to north, having been gouged out by the advancement and retreat of the glacier, which existed eons ago. This wetland property consists of kettlehole ponds and is inhabited by the marbled salamander, box turtle, deer, rabbit and possum. The unique combination of furrowed hills from a shelter against the winter winds, the delicatessen abundance of available game and potable water make the inner island sanctuary an ideal spot

for mobile prehistoric peoples. Indeed, mischievous -- miscellaneous quartz artifacts have been found on or near this site. If you were to walk along the edges of this property, you could see benefits which only hint at its unseen inner potential as a natural site worthy of preservation status. Thank you.

LEG. FOLEY:

Thanks.

(Applause)

P.O. POSTAL:

Thank you. Next speaker is Peter Quinn.

MR. QUINN:

Good afternoon, members of the Legislature. My name is Peter Quinn. I'm a -- I was appointed by this body as a member of the Suffolk County Electrical Agency, and although I'm not the designated speaker for the group, I nevertheless felt obligated to come. Yesterday we had a meeting at which we were requested to examine the potential for renewing licenses or the contracts that we have with five companies, which receive discounted electricity, averaging two or three cents less than the commercial rate, which is two or three cents less than the residential rate.

The interesting phenomenon is in this down economy, not one of them met the criterion for the number of jobs either created, nor maintained. We agreed because of letters which were provided by two companies that we were to renew their contracts for one year instead of three. One company is leaving for North Carolina. A fourth company lost 300 jobs in Hauppauge and is moving its main location back to New York City, that's Reuters, and one isn't up for renewal this year until the Year 2005. But I raise this point because I think it's symptomatic of what may be going on in the Industrial Development Agency, arrangements where we give companies ten-year tax abatements, sales -- property tax abatements, sales tax eliminations, mortgage transfer eliminations and the like. The classic example was Computer Associates, and I won't go into all the details, because I explained them to you at a previous meeting, and, yet, the IDA gave them \$750,000 in late December to enable -- to help them with their debt indebtedness.

It seems to me you can't even get from the IDA, although you have passed a living wage law,

you can't get the IDA to commit to companies providing a living wage law. As a matter of fact, the County went to great lengths to have the County Attorney do a study of case law to explain why you couldn't do that. It seems to me prudent that you should be calling upon the Suffolk -- the County Executive to ask for a two-year moratorium, and at least to get the record straight on how many have maintained the jobs that they allegedly claim when they were given their perk and fined out how many of them are paying living wage. And it certainly would behoove you to get that. You are certainly entitled to that request, even though they refuse to submit to paying living wage laws. I mean you got -- you got the County -- you got businesses that have contracted with Social Services that are required to pay it, but you've got IDA's being given benefits that haven't. Thank you.

P.O. POSTAL:

Thank you.

LEG. FISHER:

Thank you.

(Applause)

P.O. POSTAL:

Benjamin W. Griffith.

MR. GRIFFITH:

Legislators, my name is Ben Griffith and I'm an independent Title Searcher. The building -- they're trying to close the building to us independent examiners between the hours of seven and nine, and five and seven. This is going to put a hardship on a lot of people out there. A lot of single mothers and single fathers won't have the ability to come in and make a few extra bucks. They're saying that this is a security issue. I've been here for 30 years, other people have been here longer than that, now, all of a sudden, we're security risks? There are people out there now that have been out there, have been working here less than a week and they have security badges. They can get in between the hours of seven and nine, and five and seven. And I guess that's about all I've got to say.

LEG. BISHOP:

I can't ask questions.

LEG. CRECCA:

No.

LEG. BISHOP:

This is why -- this is where the rule fails.

LEG. ALDEN:

Go out and ask him.

LEG. FIELDS:

Go out and ask him.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Thank you. Could we please avoid interrupting the speaker? If you do have a question, since it is against our rules, you certainly are free to ask him your question privately.

LEG. BISHOP:

I'll meet you outside.

MR. GRIFFITH:

Okay.

P.O. POSTAL:

Thank you.

MR. GRIFFITH:

Okay. Thank you.

LEG. FOLEY:

Thanks very much.

P.O. POSTAL:

Denise Speizio. You have to get a replacement before you can leave, David.

LEG. BISHOP:

I have to leave to find a replacement.

P.O. POSTAL:

Well, you can do that, but you're heading in the wrong direction, it's that way. Can somebody see if we can get somebody else in here?

LEG. CARACAPPA:

We have ten.

P.O. POSTAL:

We have enough? Okay. Go ahead.

MS. SPEIZIO:

Hi. Denise Speizio from the Suffolk County Parks Department. I came down tonight. We have a resolution being laid on the table this evening. It's I.R. 1199. It's authorizing use of Indian Island County Park by the March of Dimes for a fund-raiser. There is time for the resolution to go through due process and be approved at the April 8th meeting, but we're asking tonight that it be considered and approved, because the event is scheduled for April 27th, and if we wait for approval until the 8th, that only gives the group a couple of weeks to finalize their scheduling and do their advertising. And I did bring a representative from the March of Dimes with me tonight if you did want to ask her any questions about the event and get more information.

D.P.O. CARACAPPA:

Did you get a CN? Does it have a CN?

MS. SPEIZIO:

Yes, I did request a CN.

LEG. FOLEY:

Is there a CN?

P.O. POSTAL:

We can find out. We'll find out. Thank you.

MS. SPEIZIO:

Okay.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Next speaker, Patricia Gyscek.

MS. GYSCEK:

Good afternoon. My name is Patricia Gyscek and I'm the Outreach Coordinator of Saint Sylvester's Church in Medford. I'm here today to urge your support of Resolution 1151, to reconstitute the Suffolk County Welfare to Work Commission.

I'm sure that all of you have at times received phone calls from constituents who have difficulty accessing public assistance benefits. Regulations, procedures and eligibility requirements are often overwhelming for people who are already compromised by crisis situations. We in Parish Outreach Centers across Suffolk County do our best to counsel those same constituents, so that they are prepared to meet the Department of Social Services' requirements with a minimum of anxiety and an improved potential for positive results.

I'm very aware of the Welfare to Work Commission and the fine work that they've been doing. The Commission membership represents a broad spectrum of knowledge and expertise, with insights into the poverty experience in Suffolk County, as well as an in-depth familiarity with paths out of poverty. This collaborative effort creates a novel opportunity for creative thinking from people who are in the trenches that can have a significant impact in changing the face of welfare and poverty as we know it.

The Welfare to Work Commission can provide the bridge needed to assist people in transitioning from dependents on the system to personal independence. The Commission would continue to provide a link between the people in your districts who need assistance and the Department of Social Services who administers the assistance. It would also offer the continuation of a

constructive relationship with this Legislature.

The impact of the newest federal reforms may require new thinking in establishing DSS policies and procedures. The administration of those policies are yet to be developed. As far as I can see, the Welfare to Work Commission is a gift to advocates, continuing to assist with ongoing concerns, a gift to the poor, who have the weakest voice, and a gift to this Legislature by offering a team of professionals who can assist with monitoring and assessing Suffolk County's response to those most in need.

I applaud Resolution 1151 and I'm hopeful that you will support its passage. Thank you.

LEG. FISHER:

Thank you.

P.O. POSTAL:

Thank you.

(Applause)

Our next speaker is the Honorable Greg Blass.

JUDGE BLASS:

Thank you very much Madam Presiding Officer --

P.O. POSTAL:

It's good to see you again, Greg.

JUDGE BLASS:

-- and esteemed former colleagues and new members since I've been here. It's good to see you all. I'm very happy to speak to you here in the County Seat of Suffolk County about the Resolution Number 1130 and the accompanying bond resolution, 1130A, which seeks to obtain additional funding for the Juvenile Detention Facility that's scheduled to be constructed in Yaphank.

I just wanted to share with you a very serious point, and that is that this Legislature is on the

right course with the policy decision that you've already made about having Suffolk again have its own detention center. I urge you to stay on that course. I'm very aware of the very difficult financial times that the State has imposed upon you, because we're a State court, in Family Court where I work, and we see every day what that budget situation is doing. However, up until now, we have had to decide whether a juvenile case should be remanded secure or not based on criteria far over and above what we should be considering. We usually consider the child being a risk to him or herself or to the community, or being a flight risk. But because we lack a juvenile detention center in Suffolk, we are compelled to consider criteria that we shouldn't have to consider, such as will this detainee end up in the Nassau facility, which isn't too bad. But more often than not, there are decisions made about confining or remanding secure in the Bronx, or in Westchester, or even Upstate in Buffalo it's happened, and we weigh that against whether the parents can see the child, which is an important focus of our attention. That makes us think that the nonsecure remand might even be better for a case that might otherwise warrant a secure remand. That means that the risk to the community might even be greater weighed against whether the child should be remanded at all. All of these extra difficulties are eliminated if we can have our detention back -- detention center back.

Suffolk County should never have closed the detention center years ago, they should have fixed it, they should have addressed the issues, rather than take the easy way out and shut it down and go through this process of sending our children out of the County on a regular basis.

I don't know how the votes look for this resolution, 1130 and 1130A. Usually, I remember the days when I would look to the vote count before a speech, but I don't have that privilege anymore. However, I certainly urge you to have, I believe, the necessary 12 votes for a bonding resolution. It's certainly merited, even in these difficult times, because consider the impact of not having the detention center, not only on the courts, but also on the juvenile delinquent cases that are the subject of these detention orders.

P.O. POSTAL:

Thank you.

LEG. BLASS:

Thank you very much for your attention, and a pleasant evening to all of you in Riverhead.

P.O. POSTAL:

Good night.

(Applause)

Our next speaker is Judy Mazzarella.

MS. MAZZARELLA:

Good evening. I'm Judy Mazzarella, and I'm a Developer of Special Projects with Catholic Charities, and I've been a member of the Suffolk Welfare to Work Committee since its inception four years ago.

I would like to commend Legislator Fisher and Presiding Officer Postal for Introductory Resolution 1151, to reconstitute the Suffolk County Welfare to Work Commission, and to also thank Legislators Allan Binder and Paul Tonna, who were here earlier, for cosponsoring this important resolution.

I'm here today to encourage the full Legislature to support Resolution 1151. Implementing welfare reform has been a challenge at every level of government for public and private agencies, nonprofits and service providers. As part of the Welfare to Work Committee, many of us have attended the meetings of the Suffolk County Legislature's Human Service Committee. We face the challenges of trying to integrate the experiences of the public assistance applicants and recipients with the Department of Social Services Administration, as they struggle with budget cuts and, most recently, the retiring staff.

In my role as a financial and resource support to Parish Outreach Coordinators like Pat Gyscek, who just spoke to you, and 60 of her counterparts, some of whom are here today, I hear story after story of families with multiple barriers to work who are at risk of losing their benefits before obtaining employment or of being unable to benefit from TANF job training, education and other programs.

Our committee brought before the Social Service Committee of the Legislature former welfare beneficiaries who succeeded in moving into work despite tremendous obstacles. However, others, due to known or unrecognized disabilities, need additional training, accommodations and support services to prepare for or succeed at work. We applaud DSS for the innovative programs like the Case Management Program to assist persons with disabilities to obtain

benefits.

The formation of the Welfare to Work Commission will facilitate an exchange of information between government, Social Services, health care, housing, nonprofits, faith-based outreach, education and labor, all working together on the implementation of Welfare to Work Programs, and the challenges and opportunities that the reauthorization of TANF will bring.

Thank you for this opportunity to urge all -- and I urge all the Legislators to approve Resolution 1151, reconstituting the Welfare to Work Commission. And I speak for all the current Welfare to Work Committee members who have agreed to continue our support in the research and review of Federal, State and County policies and procedures to assist this vital new commission. Thank you.

P.O. POSTAL:

Thank you.

(Applause)

Our next speaker is Joseph Werner.

MR. WERNER:

Presiding Officer Postal, you had said you would -- remind you to having to speak. Could this be double from the last session?

P.O. POSTAL:

Could be doubled? No, no, you can only have three minutes.

MR. WERNER:

Okay.

LEG. FIELDS:

And you're now two-and-a-half minutes.

MR. WERNER:

As an American who has lived through the Depression years and served in the Armed Forces

during World War II, I feel what happened at the February 11th Legislature meeting might be an illustration of how life must be in a dictatorial third world country. It was something completely contrary to everything America stands for.

I had signed a card to speak, as did others who had gotten to speak, regarding an Introductory Resolution. When my name wasn't called, I called to Presiding Officer Maxine Postal informing her I signed a card to speak. The silent reaction to my entitled request to speak was treated in the same as were it being made from far away as San Francisco Bay. What is troublesome, though it was obvious what was happening, no one spoke up. Most people in a similar situation would probably feel so humiliated, they would fade away and hide their head in shame. Not I. I have spent many, many years fighting wrongs. I'm an old warrior in this regard, and feel such an unjust and unwarranted action is an attack into the heart of America the Beautiful.

Presiding Officer Postal, after the meeting you were shown my signed speakers card by the Legislature's Clerks to whom you asked verification. Upon seeing this, you apologized and asked me to remind you to have me speak at this March 11th Legislature meeting. I accept our apology and hope the episode is something we all wish never happened and will never, never ever happen again.

I conclude with two short part addendum. One, Legislator Caracappa, awhile back I gave you a very difficult time from the podium. It had not been my original intention. Joe, I was definitely wrong and apologize.

Number two, none of the present Legislators were in office when on December 23rd, yes, imagine, two days before Christmas the Suffolk County Legislature majority at the time voted to pass Local Law 3-1986. This law gave assorted aide to illegal aliens at Suffolk Citizen's expense. In addition, it helped hide illegal aliens from our State and Federal governments, this while the County was in such poor financial position that it was placed on a credit watch. Citizens were losing their jobs, their homes, and County services were being denied or curtailed. My research having this law and so shocked that elected officials could do this to their constituents has caused me to become highly involved all these years. Thank you.

P.O. POSTAL:

Thank you, Mr. Werner.

MR. WERNER:

But I'm surprised, because you had asked me to remind you that I didn't get a chance to speak at the last session.

P.O. POSTAL:

Yes, and I apologize again for that. Thank you.

LEG. FOLEY:

Thank you.

MR. WERNER:

Okay.

(Applause)

P.O. POSTAL:

Our next speaker is Cynthia Martin.

MS. MARTIN:

Yes, hi. I'm also an independent Title Examiner in the County Center and have also been denied access to the building in these hours, seven in the morning to nine in the morning, and five at night to seven at night. I don't understand, after 20 years of doing this business, of being in this business, why I am now a security risk.

I went to the head office and they told me it was a liability issue. I offered to get my own liability insurance. Nobody has, you know, made any effort, "Oh, we'll get back to you," to get back to you, and as of Monday, we were totally denied access to this building. We have people that got a badge a week or two ago that are not a security risk. We have people that are 50 years in this business that are all of a sudden a security risk. I'd like to try to and find out what we can do, so everybody has fair access and a level playing field in this business. Thank you.

LEG. FOLEY:

Thank you.

LEG. FISHER:

Thank you.

P.O. POSTAL:

Thank you.

(Applause)

Our next speaker is Melvin Fritz.

LEG. FISHER:

I think he's in the lobby. I think I just saw him go into the lobby.

P.O. POSTAL:

Here he comes.

MR. FRITZ:

Presiding Officer Postal, members of the Legislature.

LEG. CARACAPPA:

Speak into the microphone.

P.O. POSTAL:

Speak into the mike.

MR. FRITZ:

I just wanted to take the opportunity to introduce myself to those that don't know me, though I've been involved in public service for 37 years. I also want to thank the members of the Environment Committee, whom I met last week and had a unanimous approval for my candidacy for reappointment.

I was born in Huntington and have been practicing medicine for forty-one years. I became involved with government operations in 1967, I was a member of the Ethics Board of Huntington, the Financial Disclosure Board. And in 1967, I became a surgeon for the Suffolk County Police Department. In 1980, the late Dr. Weinberg appointed me Deputy Medical Examiner and I served for many years in that position. In 1980, I became a member of the

Board of Health, on which I've served these 23 years. In 1987, I came to the Water Authority Board where I've served for 16 years. I've been involved with liaison between the Board of Health and the Suffolk County Water Authority in that capacity.

I must say that we have done a very good job in the Water Authority, certainly the last ten years, increasing our customer base from 285 to approximately 350,000 people. Our revenues have gone from 85 to 120 million. Our employees, however, have been reduced from 610 to 570. Our bond rating is the highest of any authority in New York State, AA Standard and Poors. At the same time, our rates are 40% lower than the national average.

I would like to continue doing what we've been doing and going on for the future, enhancements in communications and computerization, ways of protecting the public water supply, where we have been involved with not only local, state and federal law enforcement in that manner. I hope I can continue and I would appreciate your support in that endeavor. Thank you.

P.O. POSTAL:

Thank you, Dr. Fritz. I have no more cards. Is there anyone else who would like to address the Legislature? Come on up, Phil. This is still public portion.

MR. GOLDSTEIN:

Yes. First of all, I'd like to express my indignation upon arriving at this building and seeing the new security arrangements, and then listening to the two speakers who came up and complained how their employment rights are being diminished by virtue of the security. What makes this Legislature think that you're a likely target for terrorist attacks and that you have to hire additional security personnel at a time when we are in dire straits fiscally?

LEG. CARACAPPA:

It's not the Legislature, Phil.

MR. GOLDSTEIN:

It just --

LEG. FOLEY:

It's not the Legislature.

D.P.O. CARACAPPA:

It's not the Legislature.

MR. GOLDSTEIN:

It's not the Legislature? Well, who agrees to the spending of money to put police personnel on duty out here? I mean --

LEG. FIELDS:

Not us.

MR. GOLDSTEIN:

-- we're all in jeopardy.

LEG. FIELDS:

Not us.

MR. GOLDSTEIN:

We're all citizens of the United States and the terrorists, you know, don't like all of us, and I don't think they're going to single you out. And I don't think that this is a time for you to spend money, because what you're doing is you're saying to the public something which they feel already, and that is that government takes care of itself first before it takes care of the concerns of the public. I don't think public funds should be spent at this time for those purposes. I don't think you're really a target, you know, at least not a prime target. I don't know where you would be amongst the 3,000 counties. Enough said about that.

Had this Legislature heeded my advice with regard to a patriotic energy tax, you would now be in a better position than you are as a result of the lack of revenue to meet the deficits that are facing us. The price of gasoline is skyrocketing. If you had done something to add a tax into the mix, you would have an additional source of revenue and it would be hidden among the price rises that are occurring and will probably continue to occur. And when the price falls back down again, it will not be so obvious to the public. Although I don't think the fact that it is obvious or not really matters, because it's time for the American public to be enlisted in the war against terrorism, and especially if the President succeeds in putting us in war against Iraq.

War calls for sacrifice, war calls for an involvement of the public, and we haven't made that. We

have been too self-indulgent. If you read the newspapers as to what's happening with regard to SUV's, they're building them bigger with more powerful engines to suck up more gas and create more pollution. And the point, very simply, is that if we brought pressure to bear, and I say "we", I'm talking not just about Suffolk County, but a coalition of Suffolk, and Nassau, and Westchester and the City of New York, if you had brought pressure to bear on the Governor and said, "Look, you don't have to raise taxes throughout the State, what you can do is provide an option to the counties to raise taxes and through a patriotic energy tax."

P.O. POSTAL:

Phil.

MR. GOLDSTEIN:

We need to reduce the use of gasoline. We're importing that gasoline indirectly from Iraq. If you watch television, and had seen 60 Minutes and so on, the --

P.O. POSTAL:

Thank you, Phil.

MR. GOLDSTEIN:

Saddam Hussein uses a third party --

P.O. POSTAL:

Phil, your time is up. I will just say to you that the security guards in this building are not there as a result of an initiative by this Legislature, so just for your information. Thank you.

MR. GOLDSTEIN:

All right.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Our next speaker --

MR. GOLDSTEIN:

One last thing, if I may.

P.O. POSTAL:

No, you can't. It's three minutes. Come on up. Give your name, please.

MS. BLUMER:

My name is Karen Blumer. I did fill in a card. I was hoping I wasn't going to join Mr. Werner's fate.

I am here speaking Resolution 1917-02. It's the Coram Ponds property that you've heard a number of talks on. I'm representing the Open Space Council, who many of you have known for many decades, and a sister organization, the Open Space Preservation Trust, which we are a new land trust. I also have submitted a package to you, and there is a statement in there from the Nature Conservancy, from Longwood Alliance, from the Greater Gordon Heights Civic Association all in support of this.

As you've heard, this is an ecological treasure. It's eighty-five acres with endangered, rare and threatened species of animals and plants. It's a geological treasure, rolling hills. We really should provide a field trip for the Legislature. It is an archeological and prehistoric treasure. I think that you've heard some of the history. There is also a neolithic village. It was thought of to be a wintering place for Long Island Indians.

Let's see. The parcel is in the Town of Brookhaven. It will be slightly expensive, but the Town of Brookhaven has approved 70 units and then approved 240 units. However, it is definitely worth it. This is only eighty-five acres, but it is part of a larger 400 to 600 acre preserve. It is a find. Nobody knows about this property. It's total woodlands, relatively untouched. You saw the picture of the Overton home and the pond before it. In -- this year, it still looks pretty much like that.

We have spoken to Lee Koppelman, who has full support for the acquisition of this property. It has already gone before the Open Space Committee of Brookhaven. It's being tabled, waiting to hear from the Legislature. And we, as a land trust, are willing to help steward part of this process through to negotiate with the County and the Town and see if we can work something out with the present owner. Thank you very much.

(Applause)

LEG. FOLEY:

Thank you, Karen.

P.O. POSTAL:

Thank you.

LEG. CARACCILO:

I have a question.

P.O. POSTAL:

You're not going to ask a question, are you?

LEG. CARACCILO:

That's right, we can't do that now.

P.O. POSTAL:

No.

LEG. FIELDS:

No. Thank you very much.

LEG. GULDI:

And we're all happy as a result.

P.O. POSTAL:

We're going to go to the public hearings. Our first public hearing is regarding -- excuse me. Henry, are the affidavits of publication in order?

MR. BARTON:

They certainly are.

P.O. POSTAL:

Glad to hear it. First public hearing is regarding **Introductory Resolution Number 2105, adopting a local law, a charter law to expand prior written notice of defective condition requirements.** I have no cards for this public hearing. Is there anyone who would like to address the Legislature on this hearing? Hearing no one, motion to --

LEG. CRECCA:

A motion to recess, please.

P.O. POSTAL:

-- recess by Legislator Crecca, seconded by Legislator Guldi. All in favor? Opposed? **2105 is recessed.**

Public hiring regarding Introductory Resolution Number 2246, a local law establishing a site selection procedure for substance abuse houses. I have no cards on this public hearing. Is there anyone who would like to address the Legislature on this matter?

LEG. CARACAPPA:

I make a motion to recess for now.

LEG. LINDSAY:

I think recess.

P.O. POSTAL:

Motion to recess by Legislator Caracappa, seconded by Legislator Lindsay. All in favor? Opposed? 2206 is recessed.

Public hearing regarding **Introductory Resolution Number 2297, a charter law directing Suffolk County action to roll back cable television rates in Suffolk.** And we have -- our first speaker is George Leonard.

MR. LEONARD:

Good evening, and thank you for allowing me to speak to you about my experiences with Cablevision.

LEG. FISHER:

I can't hear you. Can you raise the mike? Thank you.

MR. LEONARD:

Good evening. And thank you for allowing me to speak to you about my experiences with Cablevision as it relates to the Legislature before you. My name is George Leonard. I reside at 29 Kensington Way, Port Jeff Station, New York. I have lived at this address for the last eight years and I've been a resident of Suffolk County since 1960. I remember many years ago my mother signing a petition at the old Patchogue Drive-in Movie Theater to fight pay T.V. Little did I know years later that I would be doing just that.

I would like to begin by saying that I am not seeking any compensation from Cablevision, nor do I have a problem with my billing or services provided by Cablevision, and currently I'm a subscriber to both Family Basic Cable and Optimum Online. The biggest problems began for me last August when Cablevision sent around a flier advising that they would be doing some construction to upgrade cable services in my home area. Apparently, Cablevision would need to do some digging along my property to install the new equipment. The flier asked that homeowners call if they have any inground sprinklers or buried wire that may interfere with the project. I immediately called Cablevision customer service and advised them that I have sprinklers on my property and was told by my service rep that my account would be noted. On the first day that the digging began, my front lawn and two sprinkler heads were damaged. The lawn is my pride and joy, but it's still just a lawn. It wasn't a big deal, I repaired it. I was able to fix and replace the damaged sod and level off the depression created by the hole that was dug. I did call customer service to advise them of the damage to the sprinkler heads and I was told that a damage claim form would be sent shortly. Two subsequent calls still asking for the damage claim form were made. Each time I was told, "They are in the mail." To date I have not received those forms.

Also, when the digging began, my cable service was interrupted, which I expected. What I did not expect is that the service would not be restored each day when the workmen left. Each night, when I returned home from work, I placed a call to Cablevision customer service once again. Each call was met with the same response from Cablevision customer service, "Will you be home during the day?" "I'm sorry, I would not. I work Monday through Friday, 8 to 5 p.m., and cannot take a day off from work just for you to repair cable service damaged when you did your work, equipment installation and the junction box located at the end of my property. I was

repeatedly told by customer service that someone had to be home for the technician to come repair the box in the street. The earliest appointment I could get was two weeks later. I was told, "You do not have to pay for this service during the period of time when the service is interrupted." Was that meant to make me feel better?

The cover to the cable junction box, located at the end of my property on the street corner, was left open on a daily basis since the project on my block began. One day after returning home from work, I peered into the box and saw the wire pulled from the connection labeled Number 29, which is my address. Magically, the wire became inserted into the connection and once again I had service. I called Cablevision and told them don't hurry with the repair order in two weeks, since I was receiving the service now, and, after all, I was getting it for free until they could repair it. The next morning a Cablevision truck showed up without anybody home and repaired my service. But there was still a four foot wide, three foot deep hole at the end of my property. The hole went unfilled and exposed for weeks. At first, there was some orange flexible fencing around the hole, but within a few days, the supports for the fence disappeared and the hole became an attraction for the neighborhood kids to pick up rocks from the pile of dirt and throw them in the street. Several calls to Cablevision customer service were made by me and each call answered with the same reply, "I will E-mail the contractor and someone will call you in the morning." The project was completed on my street and the contractor was long gone. No phone calls came.

Two weeks went by and there still was -- the hole was still not filled in. After calling Cablevision repeatedly without any success each night when I returned home from work, I made a final call and advised the customer service rep that a rock from the hole had been kicked up by a car and struck a child at the bus stop. The next morning there was a Cablevision truck filling in the hole.

In December a new home was constructed adjacent to the corner piece of my property. Okay? From the junction -- a cable was run -- a cable wire was run from the junction box on my property to the new home. They installed the cable wire by simply laying the cable wire across the wooded area of my property. The brush suspended the wire one foot in the air, and if anyone walked through the woods on my property, they could easily have tripped and fell. When I called Cablevision, they told me, "Don't worry about it, there's no current running through the wire." I asked them, "What about the liability from the possibility of someone tripping on the Cablevision wire? What about the children running around at the bus stop?

What if one of the children trip and fall on the wire, what then?" Again, I was advised by customer service that they would E-mail the contractor and someone would call me in the morning. Well, after four more calls to customer service, something had to be done. They came out after I told them that a child was -- tripped at it at the bus stop the very next morning and covered the wire with leaves and left it running through my property. A person from Cablevision came to my door and told my wife that the contractor didn't have enough wire to run along the easement on the street and that's why they went through my property, plus the ground was too frozen right now, so they couldn't bury the wire. And they also said they didn't think anybody owned the property.

So many calls to Cablevision customer service, so many letters written looking for solutions to my dilemma and no response from Cablevision. Even though almost every supervisor I spoke to at Cablevision customer service assured me that someone else would call me the next day, no call was ever received. I have not had a single conversation, with the exception today, at four o'clock, I received a phone call from a supervisor who had promised me he would take care of it today.

P.O. POSTAL:

Mr. Leonard --

MR. LEONARD:

I'm done.

P.O. POSTAL:

-- I'm sorry, your time is up, but thank you.

MR. LEONARD:

Could I just -- one last sentence?

P.O. POSTAL:

Okay.

MR. LEONARD:

Okay? Who are these people at Cablevision? Where is their obligation as a provider of services to the community? Where is their responsibility to provide customer service? And who sees to

it that customers -- Cablevision meets their responsibilities as a service provider in our Suffolk community? Thank you very much for your time.

P.O. POSTAL:

Thank you.

LEG. FISHER:

Can we ask questions?

LEG. CARACCILO:

Madam Chair.

D.P.O. CARACAPPA:

It's a public hearing.

P.O. POSTAL:

Oh, I'm sorry. Sure, it's a public hearing. Mr. Leonard, there's a question from Legislator Fisher.

LEG. CARACCILO:

Also here.

MR. LEONARD:

Yes, sir.

LEG. FISHER:

No.

MR. LEONARD:

Yes, ma'am, apologize.

LEG. FISHER:

Hi, Mr. Leonard. I believe you're -- you said you live in Port Jefferson?

MR. LEONARD:

Port Jeff Station, yes.

LEG. FISHER:

Port Jeff Station. Oh, I'm not sure if your my constituent or Mr. Haley's, but please keep us --

LEG. HALEY:

Which street?

LEG. FISHER:

Kensington.

MR. LEONARD:

Kensington Way in the -- across from the new firehouse and Barraud. I believe Mr. Caracappa --

LEG. FISHER:

Okay. Then you're Mr. --

MR. LEONARD:

Yeah, Mr. Caracappa.

LEG. FISHER:

I was just curious that, you know, if you continue to have problems, to you know, let us know.

MR. LEONARD:

It was Mr. Alden's office that I had read in Suffolk Life that was holding a hearing on the bill before you, and he -- Warren Greene of his office was -- contacted me and helped me get prepared for today.

LEG. FISHER:

Okay.

P.O. POSTAL:

Legislator Caracciolo has a question.

LEG. CARACCILOLO:

Mr. Leonard, do you know who in government has regulatory authority over Cablevision?

MR. LEONARD:

According to the bills that I receive from Cablevision, it's the FTC. I filed a complaint with the FTC and the Better Business Bureau. To date, I've only heard from the Better Business Bureau that they're only working with the company, Cablevision, to resolve my complaint. I have heard nothing from the FTC. As a matter of fact, at one point, I had told the supervisor on the phone, when I spoke to him at Cablevision, that what would happen if I was digging on the property and accidentally cut the wire. At that time, they offered me this thought, that being an FAA employee, I would know the consequences of such an action, because they would immediately contact my employer and tell them what I did.

LEG. CARACCILO:

Well, A, let me suggest you contact your Congressional representative, Mr. Bishop, because that is a federal agency that is responsible to him as your Congressional representative. And, B, the matter of which you spoke so eloquently to the Legislature should be addressed also to the Town of Brookhaven, because the Town of Brookhaven, like every town in Suffolk County, and not the County, executes franchise agreements. Now, I applaud Mr. Alden's effort to inject the County in litigation, but --

P.O. POSTAL:

Mike, you're discussing something else.

LEG. CARACCILO:

Well, I think it's important when people come here --

P.O. POSTAL:

Well, it is.

LEG. CARACCILO:

-- and they know the role of County government --

P.O. POSTAL:

I think that that's fine.

LEG. CARACCILO:

And don't walk away thinking that we can do things we can't do.

Thank you, Mr. Leonard.

P.O. POSTAL:

I think it's fine that he be directed to the proper municipality, but I think there's no need to bring other issues in right now. Thank you.

MR. LEONARD:

I wasn't expecting the Legislature to help me, I just wanted them to know this as they vote on the bill that's before them today.

D.P.O. CARACAPPA:

Absolutely. Thank you.

P.O. POSTAL:

Thank you.

MR. LEONARD:

Thank you.

P.O. POSTAL:

I have no other cards for this public hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one --

LEG. ALDEN:

Motion to close.

LEG. FOLEY:

Second.

P.O. POSTAL:

Motion to close, Legislator Alden, second by Legislator Foley. All in favor? Opposed? 2297 is closed.

Public hearing regarding **Introductory Resolution Number 1021, a charter law to restore and insure honesty and integrity to Suffolk County land transactions.** I have no cards on this hearing. Is there any -- excuse me. I'm trying to read a number here and I can't -- no, I have no cards on this hearing. Is there anyone who would like to address the Legislature on this matter?

LEG. CARACCILO:

Madam Chair, I'm going to recess this --

LEG. GULDI:

Second.

LEG. CARACCILO:

-- given today's Newsday story. I have not yet seen the Comptroller's audit of the -- oh, you have it, George? Okay. But I think it certainly gives pause, my colleagues, to consider additional reforms, given the allegations in today's news story, as well as, apparently, the report from the Comptroller's Office. So, after I've had an opportunity to review that, I certainly look forward to working with my colleagues to make --

P.O. POSTAL:

Okay.

LEG. CARACCILO:

-- and strengthen our land reform program.

P.O. POSTAL:

Motion to recess, Legislator Caracciolo, seconded by Legislator Guldi. In favor? Opposed? 1021 is recessed.

Public hearing regarding **Introductory Resolution 1039, approving extension of license for Sayville Ferry Service, Incorporated, for Cross Bay service between Sayville, New York, and the Fire Island communities of Fire Island Pines, Cherry Grover and { Walter } Island.** I have no -- Water Island, excuse me. I have no cards on this hearing. Is there anyone who would like to address the Legislature on this matter?

LEG. LINDSAY:

Madam Chair.

P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. I'd like to make a motion to close the hearing --

LEG. CARACAPPA:

Second

LEG. LINDSAY:

-- but I also would like to see it discharged this evening and, when it's voted on, waive the rules for the simple reason that the license agreement expires this week, if we don't act on it, and I wouldn't want them operating without a license.

P.O. POSTAL:

Okay. Does that -- we need to have the resolution distributed.

MR. SABATINO:

It was handed out, but first you need to make a motion to close the hearing. After you close the hearing, because of the deadline, you can make a motion to discharge. It will take 12 votes instead of 10.

LEG. FOLEY:

Okay. Second the motion.

P.O. POSTAL:

Okay. We have a motion to close the hearing by Legislator Lindsay, seconded by Legislator Foley. All in favor? Opposed?

LEG. CARACCIOLO:

On the motion.

P.O. POSTAL:

On the motion.

LEG. CARACCILO:

Okay. I just wanted to check with Budget Review. Fred, there are no more outstanding issues with regard to this particular operation, ferry operation, in your office?

MR. POLLERT:

Not that I'm aware of. Currently, this is just a license, and as far as I know, we have not had any complaints with respect to the operations of this ferry company.

LEG. CARACCILO:

Okay. Thank you.

P.O. POSTAL:

George -- oh, I'm sorry. Motion to close by -- was it Legislator Lindsay, seconded by Legislator Foley?

LEG. FOLEY:

Right.

P.O. POSTAL:

All in favor? Opposed? 1039 is closed. Public hearing --

LEG. LINDSAY:

Motion to discharge.

LEG. FOLEY:

Motion to discharge.

LEG. FIELDS:

I'll second the motion.

P.O. POSTAL:

Motion to discharge by Legislator Lindsay, seconded by Legislator Fields. The resolution has

been handed out. All in favor? Opposed? 1039 is discharged.

Public hearing regarding **Introductory Resolution Number 1074, a local law to penalize illegal clearing or building in the Suffolk County Pine Barrens.** I have no cards on this hearing. Is there anyone who would like to address the Legislature? I'm sorry, what you did you say?

LEG. FOLEY:

I'm sorry, I was talking about something else.

P.O. POSTAL:

Okay. Is there anyone who would like to address the Legislature on this issue? Hearing no one -

LEG. COOPER:

Motion to close.

LEG. FISHER:

Second.

P.O. POSTAL:

Motion to close by Legislator Cooper, seconded by Legislator Fisher. All in favor? Opposed? 1074 was closed.

Public hearing regarding **Introductory Resolution Number 1080, a local law to amend the process for the seizure and distribution of forfeited assets used in connection with or constituting the proceeds of crimes.** I have no cards on this hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one, motion to close, Legislator Caracappa, seconded by Legislator Carpenter. All in favor? Opposed? 1080 is closed.

Public hearing regarding **Introductory Resolution Number 1081, a local law authorizing the designation of an empire zone.** And I have a card from Carl Iacone.

MR. IACONE:

Thank you. How much time do we have up here, Miss Postal?

P.O. POSTAL:

Speak in to the mike.

MR. IACONE:

How much time do I have up here, Miss Postal?

P.O. POSTAL:

Five minutes.

MR. IACONE:

Five minutes. I didn't know. Some are three, some are five. Can you hear me?

P.O. POSTAL:

Yes.

MR. IACONE:

I've been waiting to speak to someone on this matter and I -- by looking at all the name plates here, I think I'm in the right room with the right people that can help us in this empire zone credits.

My name is Carl Iacone and I am the President of the Bay View Pines Civic Association located in Flanders. Our chief objective here is to try to get help in our area, economic development help, and I believe that these credits would give us that kind of help. We've been pushed from pillar to post on this thing, and I believe we do need it, because we're looking for stores to be built in our area, or anything that would bring economic help to us there, because we really need it.

I've been President now for the last year, I was Vice President of the Association for two years before that, and we've been fighting to get our area into a position where we can depend on what we've got there, stores, milk stores, grocery stores, stores that we can go to and we don't have to go out of our area for them. And I believe that by giving us these empire credits, it will start an anchor for business to come into our area, which is a pretty deprived area. I mean, Southampton is known as a rich area. Well, I guess a lot of people have heard the phrase, "Yes, our parents are rich, but our children are poor." Well, we happen to be the poor people, the children of Southampton, and that's why we're looking for this help of the empire credit zones to

be put into our area. They're out there existing. I know they're out there existing, because Riverhead is fighting us on every stitch of the battle to try to get these credits into our area. Why? I don't know. We take three steps forward and Riverhead tries to push us four steps back.

So I'm here to ask this committee and you people here today to grant us this, so that we can get started and we can get economical development into that area where it will create jobs for everyone. I don't know if any of you people have ever been in the Riverside area, but I believe you should take a ride down there or through that area. That's not my time, is it, yet?

P.O. POSTAL:

No, no.

MR. IACONE:

Thank you.

P.O. POSTAL:

It's just that people are just not paying attention.

MR. IACONE:

Thank you. I believe you should take a ride through that area, and if I'm wrong in my impression, that this is a deprived area, then I stand corrected. But to me, I think it is and I think it needs a lot of help to get started. And I think you people are on the right track if you give that empire zone credits to this area, so that we can get started to redevelop the area and come back as people proud of the area. Let's see what you can do for us. Thank you very much.

P.O. POSTAL:

Thank you very much, Mr. Iacone.

LEG. FOLEY:

I've got a question.

P.O. POSTAL:

Don't leave, there's a question. Legislator Foley has a question for you.

LEG. FOLEY:

Mr. Iacone.

MR. IACONE:

Yes.

LEG. FOLEY:

Okay. Thank you for your comments. In committee, I know the Legislators have mentioned the fact that where empire zones have been designated in other areas of the County, one of the issues that has arisen in those different areas is the difference between the promise of creating jobs locally and the, let's say, reality of creating jobs.

So one of the things that I had mentioned, as did other committee members, that if and when an empire zone is created in this area, that they should not only keep an accounting of how many jobs are created, but they should also keep a more refined accounting as to where those folks live or come from who have those new jobs; how many from your area, how many from another different zip code in the greater Riverhead area. So that's one of the finer points that they're not required by law to do, all they're really required to do is have the number of jobs. But what we had asked through committee is to also require that there would be additional information as to where, what towns, what zip those folks are coming from who are getting these new jobs.

So I think that's something that, through your -- through your civic association and group, you can ask for that same kind of information to make sure that that -- that that approach is taken, because that has not been taken in other empire zones in other parts of the County.

MR. IACONE:

I can answer that question for you.

LEG. FOLEY:

Sure.

MR. IACONE:

Most of those jobs and people will be coming from the Riverside area.

LEG. FOLEY:

Well, that's the hope. I'm saying, when that same approach was taken in other areas of the County where they promised local jobs, it really didn't happen in the empire zone designations. So in order --

LEG. GULDI:

Would the Legislator suffer an interruption?

LEG. FOLEY:

No. So, in order for it to happen in your area, you've got to make sure that it is designated such that the jobs are being -- are coming from or being given to, if you will, or they're hiring folks in the Riverside area.

MR. IACONE:

Yes, I see where you're coming from.

LEG. FOLEY:

Yeah.

MR. IACONE:

Thank you.

LEG. GULDI:

If I may.

P.O. POSTAL:

Thank you.

LEG. GULDI:

Yeah, the --

P.O. POSTAL:

Legislator Guldi.

LEG. GULDI:

I note that the Supervisor of Southampton and the developers of the proposed site are here and will be able to address Legislator Foley's question later in the meeting.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Thank you.

MR. IACONE:

Thank you.

P.O. POSTAL:

Thank you very much. Our next speaker is Benoy Jacob.

MR. JACOB:

Thank you very much, Legislator Postal, and the other County Legislators. My name is Benoy Jacob. I'm here on behalf of Supervisory Heaney. I represent the consulting firm of Ferrandino and Associates. We are the consultants hired to conduct, and we're just about completed, the Flanders/Northampton/Riverside Revitalization Study for the Town of Southampton.

Basically, what I'm going to try to present to you is just what we've come across in our studies as perhaps a way of re-emphasizing the need of this area for revitalization and how empire zone credits could, in fact, benefit the revitalization effort, as we've begun to define it in a revitalization plan.

I actually have some handouts here. I don't know who I can give these to.

In a nutshell, we've started this process that's been almost a year now. It's been started end of March, beginning of April last year, and it involved an extensive community outreach to the residents of the Flanders/Northampton/Riverside area, as well as an outreach to some of the Town Councilman and Councilwomen with the Town of Riverhead. Again, we were trying to explore revitalization, and so we did this in kind of a two-pronged way, the first of which was to simply conduct our own technical analysis within the office, but to combine that with, as I said, a

very extensive public outreach.

What I have in the handout then is some of the initial demographics we reviewed, which identified a particular need in the area for revitalization, as well as some of our field surveys with regards to blight, as defined under federal legislation. The handout also then shows some of the area that we reviewed in the Town of, or in the Hamlet of Riverside and some of the proposed recommendations for revitalization to that area.

If you look at the Hamlet from a demographic point of view, the unemployment rate, as we'll show, is not particularly low or high, however you want to say it, at only 2.5%, which compared to Suffolk County and Flanders and Northampton is actually below what would be the average, where -- or the mean, where 5% is about the unemployment rate.

What makes that number interesting, however, is that the participation rates in the employment or in the labor force for the Hamlet of Riverside is significantly lower, at only about 32%. So only a third of the people in the Hamlet of Riverside are, in fact, even participating in the labor force at this point. So, certainly, the area is in need of some sort of job stimulus or some sort of stimulus to get the labor market active again to the point where the unemployment number can, in fact, indicate something.

That aside, that's just kind of census information, which I'm sure you all have already taken a look at. What we did from our firm or with our firm was to conduct a -- the beginnings of a blight survey. This would not be considered a statistical representation of all the properties in the Town of Southampton or even all the properties in these three hamlet areas. However, what we were charged to do was to take a look, a first glance, a first blush, if you will, and identify if, in fact, there was blighting conditions to the point where, first, revitalization could help benefit the area, and second, whether greater study, in terms of a blight determination, was actually required. And, again, you're probably already familiar with what some of the defining characteristics of blight is under the federal legislation. But just to kind of point some of the key criteria out that we used were to take a walk around and identify properties that were in poor condition or deteriorated physically, those properties that may exhibit some kind of conflicting land use. So, in the case that we brought up throughout the study process was gas stations beside residential properties, and that would be kind of a conflicting land use, as well as undeveloped properties, properties that -- in an area of economic benefit, or in an area where the economy was thriving, the property would otherwise be developed.

So, based on those sort of criteria, we did our walk-through of the three hamlets and identified, again, a number of properties in the three hamlets, in particular in the Hamlet of Riverside, that demonstrated a -- blighting characteristics. Of the ones that we surveyed, it was over a third. And, certainly, we are under the impression that if a greater study were to be conducted, that number would more than likely increase, at least as a total number. So we didn't -- we surveyed 316 properties in the Hamlet of Riverside and identified 120 that had a blighting influence.

P.O. POSTAL:

I'm sorry, but your time is up.

MR. JACOB:

Oh, fair enough.

P.O. POSTAL:

Thank you.

MR. JACOB:

Thank you.

LEG. GULDI:

If I may.

P.O. POSTAL:

There's a question from Legislator Guldi.

LEG. GULDI:

Yeah, the handout, what happened to the handout? I'm waiting for it to be distributed.

MR. BARTON:

The speaker --

P.O. POSTAL:

We have it.

MR. BARTON:

The speaker only gave us about a dozen copies. We're making additional copies now.

LEG. GULDI:

Okay. Thank you. I haven't had an opportunity to look at your documentation --

MR. JACOB:

Certainly.

LEG. GULDI:

-- as you were speaking, sir. The -- but, as a result, do you have any additional information you want to bring to our attention?

MR. JACOB:

That would be basically it. The other side of that was -- I mean, that was just the very technical kind of review we conducted. It should be noted that throughout the process, and in the handout, it's documented as well our public outreach, was extremely extensive, and we had literally hundreds of people participate throughout the process. And I think the recommendations, as they're outlined in the handout as you'll see, and which support a kind of mixed use development on the particular property being considered, there is pretty much consensus across the board that that was the type of concept that would be encouraged or would be embraced by the community at large there.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Yes, Legislator Caracciolo.

LEG. CARACCILO:

Mr. Jacob, could you just restate exactly what the scope of your involvement is with the Town of Southampton?

MR. JACOB:

Sure. We were the consultants hired to conduct what was the Flanders/Northampton/Riverside

Revitalization Study. This study was to examine the broad scope of the area in terms of, first, its need for economic revitalization, and then identify some potential methods in which that revitalization could occur and would be in concert with the wishes of the local community.

LEG. CARACCILO:

The report that some of us have not yet received, does that identify particular projects, proposals that would be part of an economic redevelopment?

MR. JACOB:

Yes, it does.

LEG. CARACCILO:

Okay. And you referenced or eluded to, at least in your remarks, one such project. It's one that I am somewhat familiar with, because I represent the residents on the other side of the Peconic River. And while I see a benefit to the Town of Riverhead residents by proper redevelopment of Riverside/Flanders, I don't think it -- I think it's important that that not be overstated by those who advocate the transfer of EDZ credits.

So, specifically, what is your understanding of the particular project or projects that would be immediately provided if EDZ credits were transferred?

MR. JACOB:

In our review and in our examination of the study area, and outside in particular, we have not come out for or against the particular applications that are before the Planning Board. It wasn't within our purview to review that, because, at this point, it hasn't been voted on, or approved, or disapproved one way or another. Conceptually, the applications currently before the Planning Board are in concert with the concepts we've put forth. But beyond that, we're not in a position to say whether a particular application will be good or bad, it's just that the ones that are currently before the Planning Board are, in fact, in concert with the concepts we've identified and in which were in concert with the community wishes for the Flanders/Northampton/Riverside area.

LEG. CARACCILO:

Okay. Thank you. This question is not for you, so --

MR. JACOB:

Sure.

LEG. CARACCILO:

-- I'll hold it for Supervisor Heaney, who I know could very well address that particular question. Because I think it's important to get back to Legislator Foley's point, and that is, if credits are transferred and the County is to be a party to that happening, then we have a right, as the agency that's going to be involved in that transaction, to know what the benefits are going to be, not only conceptually, but in reality. And I think the community has a right to know what are the realistic benefits that will be derived, because, conceptually, one would say, "How could you argue against a sound proposal," but we really need to know the particulars of the sound proposal; how many jobs, what income levels will they be providing? So far, I've heard about a hotel. I'm not aware that hotels, outside of management level positions, pay employees a lot of money, because there are janitorial staff, there are custodial staff, there are maid service. So I'd really like to know what the real economic benefit will be to the community involved.

MR. JACOB:

Certainly. If I can actually just follow on that for a moment. I think one of the things that's important -- one of the things that is important when evaluating any sort of economic development initiative, is to go beyond that particular development. So, for example, if it is a hotel, to not just say, okay, this hotel will provide "X" number of jobs and "X" number of income levels, because the idea in particular --

LEG. CARACCILO:

Linchpin, it becomes a linchpin --

MR. JACOB:

Exactly.

LEG. CARACCILO:

-- for redevelopment. I understand.

MR. JACOB:

And to understand how that fits --

LEG. CARACCIOLO:

Right.

MR. JACOB:

-- into the broader scheme, which is -- which is what we're presenting.

LEG. CARACCIOLO:

I appreciate that.

MR. JACOB:

Yeah, certainly.

LEG. CARACCIOLO:

Thank you.

MR. JACOB:

Thank you very much.

P.O. POSTAL:

Thank you. Okay. Our next speaker is Dianne Rennard.

MS. RENNARD:

Good evening, Ladies and Gentlemen. I have with me a postcard, "Long Island's Big Duck." I look at the back, "Located in the Sears Bellows Pond County Park on Route 24, between Riverhead and Hampton Bays." I thought this quite symbolic.

For years upon years, the Southampton Town Hamlets of Flanders, Riverside and Northampton have suffered ignorance and neglect. It creeps from Federal, State, County and local levels of government, to having the zip code of an entirely different town, to apparently rare positive advertising, yet, that unfortunately avoids our name as home to national historical landmarks.

I recall sending a letter to Governor Pataki. I felt I was beginning to understand the makings of a ghetto, an area so depressed with thick descending clouds, it seems there's no hope in sight. With recent very positive changes, however, initiation with the diligent efforts of Christine Pratt,

the Bay View Pines Civic Association, countless concerned citizens, Southampton Town Supervisor Patrick Heaney, New York State Assemblyman Fred Thiele, Senator LaValle, Governor Pataki, the newly formed Flanders/Riverside/Northampton Civic Association, and the recent hamlet study by Greenwoods Associates and Ferrandino Associates, Flanders, Riverside, and Northampton begins to see a sparkle of hope.

The New York State Office of Real Property hears and understands our plight, and has taken another step towards providing us with hope as well, like a touch of sunlight determined to bring with it a new day. We value and desperately need these empire zone credits. They are sunlight and they are hopes towards recognizing these hamlets and their great potential.

Flanders, Riverside and Northampton is rich with natural resources, a great location and caring people, people that would like to see our areas great potential realized while being respected, delivering that promise of a new day. Providing the empire zone credits to this community is not only a wise decision, it's an easy one, it's also the very best decision. Thank you.

P.O. POSTAL:

Thank you. Supervisor Heaney.

SUPERVISOR HEANEY:

Good evening. What we intended tonight was to respond to comments that were made by one or more Legislators at a prior public hearing where it was questioned as to whether or not there was a deep level of support in the community for this proposal, to extend the boundaries of the empire zone. And at an earlier -- last week, at an E & E meeting, I made it clear that we were going to bring people out, so that we could assure the members of the Legislature that the proposal for landing empire credits on six acres of Peconic River front property in the Hamlet of Riverside was not merely the hope and dream of one or more members of the Town Board, but, in fact, is reflected in the minutes of the ongoing effort on the part of residents living in Riverside, in Flanders and Northampton to work with our consultants, Ferrandino and Associates, to flesh out a future for their hamlets. And so that's what you're hearing tonight, is from people who are saying, "We're here, we live in these communities, and we want you to know clearly that we support this element that is put forward as a part of a much greater revitalization strategy for these three communities."

If I can, Legislator Foley, you raise a question that was, in fact, raised I think earlier by

Legislator Bishop, and it went to how can we be sure that there is job generation here. I think that I can say with some accuracy that this proposal will generate approximately 145 -five jobs. I'm prepared, as the eventual sponsor of the local law that would establish the planning development district on this site, to condition that change of zone to require that there be a formal outreach to the immediate community, that that community be the highest priority draw area in order to create new jobs, and that, further, that there be a -- I don't know the proper word to describe it, but a program in-house that will help people along as they take up new responsibilities and allow them to progress through a career in the hospitality arena. So I hope that that satisfies your inquiry.

LEG. FOLEY:

Thank you.

SUPERVISOR HEANEY:

Mike, you ask questions about whether or not granting the extension of the credits on this site translates into real economic development. You know, the only way you deal with blight is to eliminate blight, and the only way you do that is by infusing new capital development into an area and get a group of committed people to make it happen.

We are proposing other things in this community. The State Police Barracks is just around the corner, for real. The Tire Craft property has been purchased. We have put \$100,000 in our Capital Budget to demolish that building and prepare on a preliminary basis the grounds for a new gateway park that greets people coming in not only to this county building here, but to Riverside and to Downtown Riverhead.

If we are able to attract a 20 million dollar hotel and marina and related services to this community, that is going to put enormous pressure on adjacent properties to get their act together, or you're going to see other people coming in, picking up those properties and you are going to see redevelopment. We know that, but to safeguard against helter-skelter development, the hamlet study that has been worked on over the last year proposes that there are specific zoning requirements that are addressed in terms of districts, so that we can direct the type of development we want into the community in a way that reflects what the people in the community would like it see in terms of basic services for themselves. So I hope that that answers your question as well.

LEG. CARACCILO:

Madam Chair. First, let me say publicly, Skip, that your leadership, and not only in this area of the Town that's been long neglected, but throughout your Town, is one that residents of that -- of the entire Township be very proud of your leadership, because you have a divided Board, Town Board, and you've been very successful in putting aside partisan, you know, bickering and division and uniting the Board for the better of the whole community. So I applaud --

SUPERVISOR HEANEY:

Now you better pick up on that, George.

LEG. GULDI:

It makes our meetings look good, Skip.

LEG. CARACCILO:

You know, with respect to the EDZ, is there language written into the transfer or the proposed resolution to -- that provides for a reverter clause? You know, oftentimes, when we partner with other levels of government, the best of intentions are, you know, put forth, but then things don't materialize. And I've been a longtime advocate here at the County Legislature that whether it's the transfer of a 72-h, something your familiar with where we give the Town property for affordable housing or some other municipal use, or for police barracks, as Legislator Guldi just mentioned, whatever, you know, category where we partner, that if it doesn't materialize within a reasonable course of time, that that property revert back to the County, so that the County could use those credits someplace else. Will there be a safeguard like that in this transfer?

SUPERVISOR HEANEY:

I think you've got the best kind of a safeguard you could hope for. You know, the developer, who is here, and will want to have an opportunity to speak and, certainly, put more flesh on some of the questions posed about job opportunities and economic growth in particular, will tell you that the raft or array of benefits that go with -- go to the land certainly make it more likely that this development is going to happen. But, as I understand it, if these rights are not exercised by 2004, they evaporate away. So I think you have the best kind of reason to hope that this developer, who has plopped down a lot of money just to get through the concept stage is not going to have her dream evaporate away because she failed to act. I just don't see that happening.

LEG. CARACCILO:

Does the developer currently own the property, is she the property owner?

SUPERVISOR HEANEY:

I can't -- I'll let her speak for herself on those issues.

LEG. CARACCILO:

Okay. And I don't want to name it specifically by name, but I am aware that are spearheading an effort in this community to establish a new Town park along -- I think it would be a joint County/Town initiative.

SUPERVISOR HEANEY:

That's correct.

LEG. CARACCILO:

What is the status on f that and to what extent are you comfortable talking about that?

SUPERVISOR HEANEY:

I'm comfortable to the extent that the Town has held its public hearings. We've plopped down our money, the Nature Conservancy has plopped down your share of the money, and, at some point, your process has to catch up and complete the acquisition process, and then you guys will have to make the Nature Conservancy whole.

That land that's purchased, I think it's 39 or 40 acres, it's proposed to be an active recreational facility that will have one little league spec'd ball field, it will have one or more softball fields for seniors, it will have one or more soccer fields, there will be a play -- a campground area, there will be public launch areas into the Peconic River. And under the agreement, you guys get to plop down the money, I get the responsibility to construct and manage those facilities, but we think it's worth doing that, because this area of the Town needs to have a regional facility. There's 8,000 people living in the immediate area and there are no real public amenities available to them. This affords us a great opportunity to improve the quality of life in the community. You can't have a good quality of life without having some good solid recreational opportunities.

LEG. CARACCILO:

Tire Craft --

SUPERVISOR HEANEY:

And that's the state of affairs with that issue.

LEG. CARACCILO:

Okay. Tire Craft, what's your expectation when that will be --

SUPERVISOR HEANEY:

Well, I mean, right now, we're not going to act, because you have about two feet of ice on the ground.

LEG. CARACCILO:

Right.

SUPERVISOR HEANEY:

But the first thing we're going to do is demolish that building. Then we'll have enough money to go forward and do the engineering plans to come up with a concept. We're going to want to involve the community in some of that planning, that's typically the way we act. And we're going to ask, quite frankly, our colleagues in the Town of Riverhead to assist us and to breathe some life into the proposal, because I'd prefer to have an approach that's mutually beneficial to both Towns than to have a process that is agitated by some, not to the mutual benefit of both. Okay?

LEG. CARACCILO:

Good luck.

SUPERVISOR HEANEY:

Thank you, Mike.

P.O. POSTAL:

Thank you.

SUPERVISOR HEANEY:

Thank you.

P.O. POSTAL:

Our next speaker is Dede Gotthelf.

MS. GOTTHELF:

Thank you very much.

LEG. GULDI:

You have to bring the mike down and put it right in your face.

MS. GOTTHELF:

Just because I'm short, I need to --

LEG. GULDI:

Just so we can hear you.

MS. GOTTHELF:

So you can hear me? Thank you very much for giving us the opportunity to address you and to share the dream, the vision for the River Catwalk Project, which, hopefully, will be able to receive some of the empire zone credits. { Barry Shadoff} is the General Manager of the Southampton Inn and is my partner and Chief Operating Officer of the Long Island Hospitality Group. And we have some boards that we'd like it share with you. Shall we view it this way? This is --

LEG. CARACCILO:

That's fine. That's fine.

MS. GOTTHELF:

Okay. Maybe the other -- maybe the other board first, and then we'll come back to this one. Sorry.

LEG. CARACCILO:

You could take the mike out of the -- pull that out. Pull it right up.

MS. GOTTHELF:

Okay.

LEG. CARACCILO:

There you go.

LEG. GULDI:

There you go.

MS. GOTTHELF:

This is a project that began about two-and-a-half years ago. It's 25 acres of property. We all know it borders Route 24 and the Peconic River. It's mostly disturbed property. I think it's the -- some of the blight that had earlier been mentioned exists here. There's an auto body shop that is now part of this entire site. And the idea was to try to provide a resort, hospitality inn, conference center, community-based facility, which would be a sibling to the Southampton, which {Catcove} had purchased five years ago and took from a motel, I guess, to more of a resort destination conference center. There's -- we're rounding out the seasonality. We have 61% of our guests coming back for seconds, and I think the opportunity now, with people within the Tri-State area looking for destinations for corporate meetings, for team building, for vacations and holidays within our region is perfect for launching this kind of a resort property.

We got -- is this all right? About a year-and-a-half ago, the Department of Transportation, doing another wonderful project, was going to be condemning four-and-a-half acres of property for a recharge basin. And this project can stop for a while. Initially, it was going to be a hotel and an assisted living facility, and some office space, and a town center, but, as you can see, in a compromise, the Department of Transportation has taken about two-and-a-half acres here, and it's going to be landscaped as a greenbelt. And River Catwalk is acquiring an auto body shop now, which is -- which is something that should be, I guess, demolished and greened over and made beautiful, and this is the concept for the resort hotel.

We have 120 rooms. Eighty of them will be within the main building. It's very similar to the Southampton Inn in terms of its philosophy the way it should be -- the management, the experience for the guests. There's a corporate conference facility, there will be a restaurant, there's going to be a spa with an indoor swimming pool, and then we have 40 cottages. It's four over four, with little fireplaces and kitchenettes within the cottages out near, but not in the wetlands, and that would be, again, to extended stays, some of the families who require

kitchenette facilities.

There's an outdoor pool. There'll be a tennis court, some platform tennis, playground area, walking trails. This should not be elevated. Kayaks and canoes perhaps from the Peconic Paddler will be here. And then we have a bridge in the site plan that perhaps can go from the Southampton side over to the Riverhead side. As we see this, our guests, approximately 90,000 of them a year will be coming here. They will want to go to Atlantis. They're going to want to walk on East Main Street in Riverhead. We hope that they're going to want to buy Mr. Rotten's fudge. They will be shopping within the area, because that's what we have seen in Southampton. And it's a way to encourage tourists now to sleep within the area, to spend their money to enjoy, in terms of the community, as we have done in Southampton in setting up the Long Island Hospitality Group.

All of our staffing is from Suffolk County. Our employees are from Riverhead, from Flanders. In fact, there is a recruit here we were trying to hire, will remain nameless, I just bumped into her. We believe very strongly in developing our own community employees. We create training programs, and the jobs will range from general management, assistant management, administrative accounting and controls to the food and beverage functions. We're going to have landscape functions. We're going to have sales and marketing, because we certainly will need to be reaching out to establish a new hotel property in these times.

We're estimating that we'll have 145 jobs. Approximately 30 of them are going to be senior managerial staff, and the balance would be perhaps seasonal, although we don't anticipate this is going to be as seasonal as Southampton Village. The empire zone is particularly important.

P.O. POSTAL:

I'm sorry, your time is up.

MS. GOTTHELF:

Are there questions?

P.O. POSTAL:

Legislator Caracciolo has a question.

LEG. GULDI:

Or ten.

LEG. CARACCILO:

The location of the site --

MS. GOTTHELF:

Yes.

LEG. CARACCILO:

-- where is it in relation to 105? It's west of 105.

MS. GOTTHELF:

Yes, it's west of 105. It's 430 feet east of the Riverhead traffic circle.

LEG. CARACCILO:

Oh, okay. So it's right up the road. You're near McDonald's.

MS. GOTTHELF:

Yes, we're directly across -- on the site plan, we're directly across the road from Atlantis on the east end and from the back of Swezey's parking lot at the west end.

LEG. CARACCILO:

I raised the question earlier as to whether or not you, as the project developer, currently owned all of the land which this would be located.

MS. GOTTHELF:

No. We have a contract for five years, subject to receiving all of the various approvals that are required.

LEG. CARACCILO:

And in the context of the transfer of EDZ credits, how does that timeframe work? In other words, if you have five years to build out the project, do they lapse in the interim, or once you put a shovel in the ground you hold onto the EDZ credits?

MS. GOTTHELF:

I think the -- I think we might want to punt to Laurie Taggart to answer that specifically. The EDZ credits, as I understand it, go with the property. But this is at the Planning Board, and, at this point, we're waiting for a revision to the planned development district application, which had been submitted in April of 2001, so we're already on track. And, if possible, we would like to be able to break ground in early 2004.

LEG. CARACCILO:

Is the continuation of moving this project forward contingent on the EDZ, or is it independent, you're going ahead with this project either way?

MS. GOTTHELF:

I hope that the project will go ahead either way. But there are certainly benefits from the EDZ that will allow the project to be financed more quickly, more readily, at this point time, with a market that's not in love with new hospitality projects right now within the capital markets. It would allow us to do other things, community reach-out to have a greater base for employees, to purchase more because some of the sales tax advantages. So it would help very much. If we don't get the EDZ, something will happen on the site, but I don't think the vision is as extensive as I would like it to be.

LEG. CARACCILO:

The sales tax revenues that would be generated from a facility that would have approximately 90,000 visits a year, any numbers you could share with us?

MS. GOTTHELF:

Well, if each person coming in spends -- no, I can't. If we have.

6 million dollars of gross revenues, I suppose we could look at what the 6 million dollars of revenues for the hotel tax and sales tax would come to. There is also the multiplier effect, that every one of our guests, certainly in Southampton, wants to go shopping. And although we would love them to go down Route 24 into Southampton and Bridgehampton and Hampton Bays Center, I think the reality is many of them are going to be wandering across the little foot bridge over to Riverhead and most of them will spend two or three hundred dollars on their various meals and on shopping and on souvenirs and on tourist attractions.

(* SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY *)

LEG. CARACCILO:

Okay. But as you well know, in Suffolk County we have an exemption on clothing and footwear up to \$110. So --

MS. GOTTHELF:

Oh, well, they're going to spend 120.

LEG. CARACCILO:

Okay. So the real important question I think you've answered for me, among others, is that you understand, as we discussed -- the Supervisor and I discussed a few moments ago, there is a reverter provision in the granting of EDZ credits to the Town of Southampton. And I would just like to be assured that either way this project is still going forward because it will have such a tremendous positive impact on the local communities, not only on the Southampton side but I believe across the river in Riverhead. So I wish you the best of luck.

MS. GOTTHELF:

Thank you very much.

P.O. POSTAL:

Thank you.

MS. GOTTHELF:

Thank you.

P.O. POSTAL:

Our next speaker is Christine -- I don't know if I'm going to pronounce this right, Prete?

MS. PRETE:

That's fine.

P.O. POSTAL:

Close enough.

MS. PRETE:

It's my husband's name, not mine, I don't care.

P.O. POSTAL:

Okay, all right.

LEG. GULDI:

That's all right, you can get even with her, you can ask her if it's Postal or Postel.

LEG. CARACCILO:

Was that your ex-husband?

MS. PRETE:

Not, that's my -- one and only, I'm not changing. Hi, my name is Christine Prete, I live at 67 June Avenue in Flanders. Ladies and Gentlemen of the Legislature, I am here to address the issue of the six Empire Zone Credits that the Town of Southampton, Riverhead School District is seeking.

I will address only two reasons for the need of these credits. First, the residents in Flanders, Riverside and North Hampton rank number 65 out of 578 census tracks according to the 1990 Census ranked by economic distress. Now, according to the 2000 Census, we have declined to number seven out of the 578 Census tracks. The rank is based on the unemployed, median household income, percentage below poverty, median home value and percentage of high school graduates. There are a number of reasons for this decline, the biggest being the complete neglect of our elected officials in addressing our concern since around 1986 and the fact that we are in the Town of Southampton and the Riverhead school District. This has enabled our elected officials and school district to keep passing the buck saying, "Well, that's a town issue. No, that's a school district issue," and round and round we went until last year. Now we have a new Supervisor, Patrick Skip Heaney; so far he has heard us. He has helped with our outrageous tax inequity and has hired consultants to do a hamlet study to address the revitalization and economic distress of our area. Of course, this is a great challenge, not only for our town fathers but for the people of our area also.

This brings me to the second reason you should vote in favor of Riverside receiving these six credits, and it's a very simple one; we have a plan. The River Catwalk Project has been trying to get started now for I believe about two years. If this project is able to proceed it will not only help the people and revitalization of Riverside, North Hampton and Flanders, it will also help the

people, businesses and revitalization of downtown Riverhead.

In conclusion, the right thing to do is to vote to send these six credits to Riverside. In doing so, I believe this will help us move up the economic ladder from number seven in the census and help in the revitalization of both downtown Riverhead and Riverside; in other words, this will be a win/win situation in revitalization of two towns using only six Empire Zone Credits. Thank you very much.

P.O. POSTAL:

Thank you. I have no other cards for this public hearing. Is there anyone else who would like to speak on this matter? Hearing no one, motion?

LEG. GULDI:

Motion to close.

P.O. POSTAL:

Motion to close by Legislator Guldi, seconded by myself. All in favor? Opposed? **1081 is closed.**

Public Hearing Regarding Introductory Resolution No. 1082, a Local Law amending the designation of an Empire Zone. And first speaker is Supervisor Heaney.

SUPERVISOR HEANEY:

I don't know what --

LEG. GULDI:

It's the companion resolution, Skip, on the reconstitution of the board issue.

SUPERVISOR HEANEY:

I don't know the resolution. I'm just going to defer to a member of the community, if I might.

LEG. GULDI:

Well, there will be an opportunity for anyone who hasn't signed a card to speak as well, so you can both speak.

P.O. POSTAL:

Yeah, he'll have an opportunity --

SUPERVISOR HEANEY:

He's filled out a card.

P.O. POSTAL:

He does have a card? I can't hear what his name was.

SUPERVISOR HEANEY:

Michael Brewer.

LEG. GULDI:

Why don't we call Michael Brewer first.

P.O. POSTAL:

He's actually the next speaker, so Michael Brewer.

MR. BREWER:

Hi, thank you. My name is Michael Brewer, I'm the Vice-President of the Flanders, Riverside, North Hampton Community Association. I'm in support of the seven acres and the Empire Zone. I waited for the latter to talk about the second resolution because I kind of felt that both resolutions kind of go hand in hand, maybe they don't but that's how I understand it.

LEG. GULDI:

You are right.

MR. BREWER:

This could entice private investment and business development that would promote jobs and add to the tax base. In return, it would help to bring an area that has been neglected for so many years back to life. Some Riverhead residents feel that Riverside should not benefit from this Empire Zone and the credits. What they don't realize is this could benefit the Riverhead Main Street Business District which has been struggling for many years since the big box boom on Route 58. The Riverside community is in the process of finishing a hamlet study that is going to address a lot of the community concerns which I currently serve on the hamlet study or steering committee and we devoted a lot of time to looking at a lot of the needs in the three hamlets and

hopefully a lot of those will be addressed and we'll tackle a lot of those issues. The New York State Trooper's Barracks is going to be coming to County Road 104 and Southampton Town Supervisor Patrick Heaney has diligently been working with the hamlets and we the community feel that this would benefit us tremendously. So please vote yes to this, it would seriously help a hamlet that has been striving for so many years. And whether the Legislator realizes it or not, you actually sit in Riverside also, it's not Riverhead. You actually have Riverhead zip code and you're actually in Southampton Town. And I also believe that everybody here would benefit --

LEG. CARACCILO:

I remind them of that all the time.

LEG. GULDI:

And I don't.

MR. BREWER:

I believe Riverhead is considered the County Seat of Government; is it not?

LEG. FISHER:

Yes.

LEG. FOLEY:

Correct.

MR. BREWER:

I believe that this proposal that you're looking at would benefit everybody in this room that maybe everybody would like to come back and do more work here instead of being in Hauppauge all the time. So I think this would work out for everybody, Riverhead, Flanders, Riverside, the north Hampton community and the Legislator and county government itself. Thank you very much.

LEG. FISHER:

Thank you.

LEG. BISHOP:

I know it's in Southampton because I once got a parking ticket outside and they wouldn't fix it.

P.O. POSTAL:

Thank you. The next speaker is Delano Stewart.

LEG. GULDI:

Well, actually is the Supervisor going to speak or are you going to yield on it? Because I had a question for you.

P.O. POSTAL:

No, he was yielding his time.

LEG. GULDI:

I had a question for the Supervisor on the tax rate.

P.O. POSTAL:

If I understood the Supervisor -- I guess I did -- and he indicated he was yielding his time to Mr. Brewer.

LEG. GULDI:

Can I ask him a question anyway?

P.O. POSTAL:

Okay, there's a question -- okay.

LEG. GULDI:

If you would, would you entertain one?

P.O. POSTAL:

Supervisor Heaney, there's a question specifically for you, if you wouldn't mind.

LEG. GULDI:

It's a good one, it's a softball, Skip, don't worry. You have that look on your face like I'm going to pick on you, I'm not going to pick on you.

SUPERVISOR HEANEY:

George, your hard balls are slow balls.

LEG. GULDI:

There's a straight line there, I'm just going to -- I'm just going to leave that alone, Skip, I think you're in deep enough.

P.O. TONNA:

No balls? Oh, slow balls.

SUPERVISOR HEANEY:

Put that one in your pocket and hold it, okay?

P.O. POSTAL:

Guldi's image is destroyed.

LEG. GULDI:

The question I have and I want to put it on the record, I mean, you're probably the best person to answer this; a \$20 million real estate improvement, what's the tax ratable on this project going to be to the benefit of the school district, the town and not to mention the County? Have you -- you know what the --

SUPERVISOR HEANEY:

Based on year 2002 dollars?

LEG. GULDI:

Yeah.

SUPERVISOR HEANEY:

The tax rate in the Riverhead School District to residents living in Southampton I believe was about \$71 dollars a hundred.

LEG. GULDI:

Right and the equalization rates is --

SUPERVISOR HEANEY:

That's an enormous amount of money. So if you translate that into the income that will be generated by a hotel, it doesn't put children into a school district, it's the way to offset the unfair burden that's placed on a community by virtue of the fact that 85% of the land is off the tax roll and 15% of the land mass which is largely residential community is saddled with that full tax burden. This is an enormous source of potential tax relief. And since it effects the Central School District it benefits all of the taxpayers in the district, so it's not just residents living in three communities in Southampton, it's virtually all others living in the Town of Riverhead.

LEG. GULDI:

Yeah. The new equalization rate, though, after the adjustment is what and did you run --

MS. PRETE:

Fifty-three.

LEG. GULDI:

Fifty-three; did you run out the number on a \$20 million parcel?

SUPERVISOR HEANEY:

No. No, we didn't do that.

LEG. GULDI:

All right. Thanks.

P.O. POSTAL:

Thank you.

SUPERVISOR HEANEY:

That was easy.

LEG. GULDI:

Yeah, I know it was easy.

P.O. POSTAL:

Next speaker is Delano Stewart.

MR. STEWART:

I'm going to yield to Ann Stewart.

P.O. POSTAL:

You're going to yield to Ann Stewart; a wise decision. Hello, Ann.

MS. STEWART:

I do this very reluctantly because he's really the speaker in the family. But my name is Ann Steward and I'm a resident of Wyandanch and I'm here to speak in favor of the designation for the Town of Babylon, specifically the Hamlet of Wyandanch to be in the Empire Zone.

I could stand here and go through all the statistics about Wyandanch, that Wyandanch is ranked the number one economic distressed community on Long Island, but I'm sure you heard them all before and you don't want to hear me go through it now. But rather I'm here to put a face on my community and a face for the other thousands of people that live in Wyandanch who is now ready for a change.

I hold that it in most situations there's a stage of readiness, and Wyandanch is at that stage of readiness. Community groups and individuals have come together under the umbrella of the Weed and Seed to try to make, in effect, a quality of life difference in the community. I agree with Legislator Foley, that to have an Empire Zone it must benefit the people. And one of the things that we have tried to put in place in terms of benefitting the people is putting together the kind of committee that can recruit, train and help people in our community retain jobs. This is one of the very important needs of my community.

We know the problems in Wyandanch and we're trying to fix them. Wyandanch is the only community in Babylon that does not have a viable downtown area. Money flows in and it flows out, but it does not circulate within the community. We are a poor community without a tax base. However, we have the makings of a thriving business community. Number one, the Long Island Railroad stops within our community and, therefore, have opportunity for transit oriented development. We have close proximity to the Long Island Expressway and the Southern State Parkway that businesses that come into our community can have access to easily bringing

whatever their commodities are into our community. We have a defined business district but not developed. We have active community organizations. We have elected officials who cares about our communities and who have made commitments to us and we have started a smart Growth visioning process to say that we are here and we want to change the face of our community.

What we need, however, is the incentives that an Empire Zone could bring that can attract businesses to our community so that we can develop a viable downtown area. So that we can have a tax base, so that we can have our dollars circulate within our community.

So I ask all of you today, please, when you consider this measure think of Wyandanch and help us in realizing our needs and our dreams. Thank you.

P.O. POSTAL:

Thank you, Ann.

LEG. FISHER:

Thank you.

P.O. POSTAL:

I have no more cards.

LEG. GULDI:

Motion to close.

P.O. POSTAL:

Second. All in favor? 1180 -- **1082 is closed.**

I have, let's see, **Public Hearing Regarding Introductory Resolution No. 1090-03 - Approving Cross Bay Ferry License for Bay Shore.** I have no cards for this hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one, Legislator Carpenter?

LEG. CARPENTER:

I just have a question for Budget Review. Have they secured -- I don't see Kevin here. Have they secured all of the permits and permissions that they need?

MR. SPERO:

They're requesting not only an extension of the license but also to have --

LEG. FOLEY:

It's a new license.

MR. SPERO:

Have a license granted to Ocean Bay Park, Flynn's Restaurant; so they would go to Robin's Rest and then Flynn's Restaurant.

P.O. POSTAL:

Maybe you want to wait just a minute. Angie, we can't hear.

MR. SPERO:

I understand that they did get the permission of --

P.O. POSTAL:

Jim, just hold off for a minute.

MR. SPERO:

Flynn's Restaurant to land at their dock.

P.O. POSTAL:

Jim, just hold off a minute until everybody who is going to leave leaves because it's impossible to hear you.

MR. HURLEY:

I can answer that question. Yes, I furnished the Legislature --

LEG. CARPENTER:

Does he need to fill out a card?

P.O. POSTAL:

Can we get the doors closed?

LEG. FISHER:

Thank you.

MR. HURLEY:

You ready? Okay. I'm Edward Hurley. How are you? I'm President of the Bay Shore Ferry. We have written consents from all the property owners, specifically in the case you're asking, Flynn's Casino has signed a consent for landing rights, yes.

LEG. CARPENTER:

Could you speak into the microphone? I'm having a hard time hearing you.

MR. HURLEY:

Yes, permission and the documents were given to the Budget Review. So yes is the answer to your question. Is that it?

P.O. POSTAL:

Thank you.

MR. HURLEY:

Thank you.

P.O. POSTAL:

There was a motion by Legislator Carpenter to close --

LEG. FOLEY:

Madam Chair, if I just may. Just a further question, the documentation, you have all the Coast Guard certifications for your boats?

MR. HURLEY:

Yes; boats, yes. No boat will be operated without a Coast Guard.

LEG. FOLEY:

I know that, but prior to us issuing the license, have you received those certifications from the Coast Guard?

MR. HURLEY:

To the best of my knowledge, yes.

LEG. FOLEY:

Okay.

LEG. FISHER:

Henry said yes.

MR. BARTON:

The application is complete on the license.

P.O. POSTAL:

Okay, I'll second the motion to close.

LEG. CARPENTER:

Could you repeat that, Henry? I'm sorry.

MR. BARTON:

The application is complete on the license.

LEG. CARPENTER:

The application, what did you say?

MR. BARTON:

Is complete.

LEG. CARPENTER:

Oh, is complete. Okay, thank you

P.O. POSTAL:

Okay. There's a motion to close by Legislator Carpenter, seconded by myself. Legislator Caracciolo.

LEG. CARACCIOLO:

I have a question for the Clerk.

P.O. POSTAL:

Okay, go ahead.

LEG. CARACCIOLO:

I just want to make sure that Henry's answer was complete. You stated you have certifications or documentation rather, it's complete for the licenses.

MR. BARTON:

The licensing.

LEG. CARACCIOLO:

Is there something in the application that's not complete?

MR. BARTON:

Well, the next public hearing has to do with the rates and Budget Review would have to answer that, I know they had some questions.

LEG. CARACCIOLO:

Okay, so the application is complete.

MR. BARTON:

His destinations, permissions, his Coast Guard and his Surety Bond are all in place.

MR. SABATINO:

Does it list a period of the license, because I couldn't find that.

LEG. CARACCIOLO:

What's that, Mr. Sabatino?

MR. SABATINO:

Does it list the period of the proposed license because I couldn't find it; I'm not saying it doesn't exist but I didn't see it.

MR. BARTON:

Yeah. I don't have it in front of me, I believe it was five years.

LEG. CARACCILO:

So once again, I'll ask -- Madam Chair, the question is is this applicant's application complete?

P.O. POSTAL:

Well, that's what we're trying to determine. We don't know about -- Henry doesn't have it in front of him. Is it --

MR. BARTON:

I didn't expect it to be voted on tonight, I thought we were just going to deal with the public hearing.

P.O. POSTAL:

It's just a vote to close the hearing. It will still be before us as a resolution. So we have a motion to close the hearing and a second. All in favor? Opposed? **1090 is closed.**

LEG. CARACCILO:

Madam Chair, I would just advise or recommend rather that the applicant be informed if his application is not complete before obviously we take up the resolution.

LEG. FOLEY:

Right.

P.O. POSTAL:

I believe -- is this in Ways & Means?

LEG. CARACAPPA:

No, Public Works.

P.O. POSTAL:

Public Works. I would just ask that the Chair of Public Works check to see that everything is complete and in order so that we -- before our next meeting we have that information.

LEG. CARACAPPA:

Yes, I've been in constant contact with Mr. Duffy from the Budget Review Office reviewing all the applications, so everything seems to be in order. It's just that the Budget Review still has to do the report on the rate increase.

P.O. POSTAL:

Okay. Thank you

MR. HURLEY:

Thank you.

P.O. POSTAL:

Our next ***Public Hearing is Regarding Introductory Resolution No. 1092 - Authorization of rates for Bay Shore Ferry, Inc.*** I have no cards on this public hearing. Is there anyone who would like to speak on this matter?

LEG. CARPENTER:

I have a question --

P.O. POSTAL:

Legislator Carpenter.

LEG. CARPENTER:

-- for Budget Review. When do you anticipate the review will be complete?

MR. POLLERT:

The Budget Review Office was hoping to receive certified financial statements, however, the ferry company has provided us with their tax returns. I was going to waive the requirement on

the audited financial statements, they've only been in operation one year, we have done that in the past. When I do the waiver, Kevin will start to do the review, I imagine that the review should be done in about two weeks or so.

LEG. CARPENTER:

How long is the application for?

MR. SPERO:

Through 2008, but I'm going to just double check.

MR. HURLEY:

Five years.

LEG. CARACAPPA:

2008.

MR. SPERO:

December 31st, 2008.

LEG. CARPENTER:

Okay, thank you.

P.O. POSTAL:

All right. Legislator Carpenter, would you like to make a motion --

LEG. CARPENTER:

I would just like to --

P.O. POSTAL:

-- to recess? Because it's not complete.

MR. SABATINO:

This one has to be -- it has to be recessed because the report's not done yet.

LEG. CARPENTER:

Okay, thank you. Motion to recess.

P.O. POSTAL:

Motion to recess by Legislator Carpenter, seconded by Legislator Caracappa. All in favor?
Opposed? ***Public Hearing Regarding 1092 is recessed.***

Public hearing regarding Introductory Resolution No. 1135 - a Local Law to restrict purchase of sports utility vehicles (SUV) by Suffolk County. I have no cards on this hearing. Is there anyone who would like to address the Legislature on this matter? Hearing no one, Legislator Binder?

LEG. CARACCIOLO:

Where's Phil?

LEG. BINDER:

Motion to close.

LEG. BISHOP:

Second.

P.O. POSTAL:

Motion to close, second -- by Legislator Binder, seconded by Legislator Cooper.

LEG. FOLEY:

By Phil Goldstein.

P.O. POSTAL:

1135 is closed.

Public Hearing Regarding Introductory Resolution No. 1143 - a Local Law to establish Hospital Reporting Policy for indigent care in Suffolk County. First speaker is Donna Kass.

MS. KASS:

Good evening and thank you for this opportunity. My name is Donna Kass and I'm Project Co-Director for the Long Island Health Access Monitoring Project. I would like to just briefly say

that Resolution 1143 is basically about two things. First, it's about helping people who need access to health care services but don't have health insurance nor the money to pay for those services. And secondly, it's about fairness among hospitals.

This proposed law would require all hospitals in the County for the first time to inform all patients of their charity care policies; this would apply to in-patients and out-patients. They would also have to tell these patients how to apply for financial aid. This law would also require that hospitals report annually to the County Department of Health the number of people who applied for charity care, the number who received such help, how many were denied, how many were referred to other facilities, who the other facilities were and the zip codes of all of the people who applied for charity care.

The myth that our health care system provides for everyone has no basis in reality. There are 220,000 people living in Suffolk County at the present time who have no health insurance. According to a recent study that our project conducted, the overwhelming majority of these people, 88%, are working but they're living on incomes that barely put food on the table, let alone pay doctor's bills. Sixty-one percent of the people in our survey were living on incomes of less than \$15,000 a year. They have no regular source of health care, they're afraid of incurring debt and they delay seeking help until they are very ill and at that time they go to the emergency room. They get immediate attention in the emergency room, but they're often told to seek further care at another facility and they also get a bill.

Hospitals, on the other hand, reap enormous benefits from being tax exempt. They pay no school taxes, no real estate taxes, no State or Federal Income Taxes, no sales taxes on their purchase and they're free to solicit tax-exempt donations. In return, they're obliged to provide community benefits, the most important of which is free and reduced fee care. The Internal Revenue Service is very clear about this and the New York State Law requires reporting on how much charity care, apart from bad debt, hospitals have expended in the prior year. Yet this obligation to provide charity care remains the best kept secret in town.

In our second study, hospital community benefits and free care programs, we found that most hospitals don't have charity care policies and they certainly don't inform the public of their existence if they do happen to have them. But hospitals are much more apt to do the right thing when doing the wrong thing is exposed to the light of day; this is where this law will help. It will spread the burden of uncompensated care more evenly among area hospitals and it will

significantly help those providers who now give a disproportionate share of such care. It will also help the people in need to access care near thier places of residence and not have to take three buses to get to a place that will accept them.

Thank you very much for your attention. If I have not used up my five minutes, there was a gentleman in the audience who expected to make a statement but was called away. He gave me a brief written statement; may I read it in his name?

P.O. POSTAL:

Why don't you submit it to the Clerk and we'll have copies distributed to all Legislators.

MS. KASS:

Very well, thank you.

P.O. POSTAL:

Thank you. She has 39 seconds. Thank you.

LEG. FOLEY:

Thank you, Ms. Kass.

P.O. POSTAL:

Next speaker is Rosemarie Garcia.

MS. GARCIA:

Good evening. Thank you for allowing me to address the Legislature. I am a physician and the other Co-Director of the Long Island Health Access Monitoring Project. I'm also a resident of the Town of Huntington.

Long Island Health Access Monitoring Project, which is also known as LIHAM, was established in 2000 by the Long Island Coalition for a National Health Plan because of concern about access to health care. The goal of LIHAM was to expand access to health care for uninsured and underinsured residents of Long Island. The survey of Hospital Free Care and Community Benefits Program was developed and implemented in a pilot study of seven Long Island hospitals, two of which were located in Suffolk County. A minimum of four surveyors sought

information from each hospital. Two of these individuals were uninsured or were calling on behalf of family members or friends who were uninsured. Each made at least three telephone calls, one caller called in English and one in his or her native language. An agency representative made two calls on behalf of clients questioning the social work office and billing office on charity care policies. One surveyor made an on-site visit looking for signs or brochures and questioning staff about charity care. Neither of the Suffolk County hospitals indicated that they had a charity care policy and produced it.

In 2002 we surveyed charity care at all the remaining non-profit general hospitals in the region, including nine in Suffolk that were not previously surveyed. The survey was done in the same manner as the earlier one except that in most instances there were six to eight surveyors assigned to each hospital. At only three of these hospitals was a surveyor able to see or secure a copy of a charity care policy. In two of those three hospitals, these policies were required by Federal Law under the Hill Burton Act. While a few staff members thought there might be such a policy when they were questioned, the majority had never even heard of one.

Two years after the release of the original report with media coverage in major newspapers and on TV, charity care is still the best kept secret on Long Island. In total, over 200 phone calls and visits resulted in approximately 100 survey forms completed by specially trained surveyors. If they could not elicit this information, imagine what the poor patient is going through who in addition to not having gone through this educational process is coping with an illness and lack of insurance or funds to pay for the service. This is why we need this law. Thank you.

LEG. FISHER:

Thank you.

LEG. FOLEY:

Thank you, Doctor.

LEG. TONNA:

I have a question.

P.O. POSTAL:

There are a few questions. Legislator Tonna, Bishop and Foley, in that order.

LEG. TONNA:

From what I get -- Doctor?

MS. GARCIA:

Yes.

LEG. TONNA:

What's your speciality, by the way?

MS. GARCIA:

Public health.

LEG. TONNA:

Public health? Okay. From what I understand, what you're saying is is that -- and I guess you're using the term charity care -- a patient comes in and if they come in the emergency room or something they're treated, right? Everybody has to be treated.

MS. GARCIA:

Right, they're treated in emergency and they're stabilized and then from there on they may be transferred.

LEG. TONNA:

What is the right of somebody then that they can be admitted into the -- they're admitted into the hospital if they need to be admitted into the hospital, despite whatever they have, right, insurance wise?

MS. GARCIA:

It depends, they may be stabilized and sent someplace else, but many of them are admitted.

LEG. TONNA:

Well, where would they be sent, to another hospital?

MS. GARCIA:

To another hospital that is more likely to accept them. There's a tremendous variation in the acceptance of charity care among our hospitals and that's why this law is so necessary.

LEG. TONNA:

What does this law actually do in your -- it reports every indigent case?

MS. GARCIA:

Yes, every case that applies to each hospital has to be reported along with their zip code.

LEG. TONNA:

Indigent, you mean somebody who is not paying?

MS. GARCIA:

Somebody who is unable to pay and has no insurance.

LEG. TONNA:

Okay. From what I understand, in my district office we get calls all the time about people, I don't know of any situations where a hospital has refused to treat a patient that, you know, was admitted into an emergency room for an issue.

MS. GARCIA:

No, the emergency room they're required by Federal Law to treat that.

LEG. TONNA:

Right, I understand that. So I'm just trying to understand, what is -- there are people who are indigent then who basically don't know to go to an emergency room or don't know that they -- I'm trying to find out what is the harm being done when every -- it is basically standard procedure in every hospital throughout I thought the United States but I know at least, you know, in Suffolk County that if somebody -- it doesn't matter whether they can pay or not, they go to a hospital, they get taken care of.

MS. GARCIA:

That's not true.

LEG. TONNA:

Okay.

MS. GARCIA:

These are mostly people with chronic disease who may have hypertension, may have diabetes, may have asthma.

LEG. TONNA:

Right.

MS. GARCIA:

Children have chronic diseases; these are not emergency situations.

LEG. TONNA:

Okay. And you're expecting a hospital to take care of them?

MS. GARCIA:

We're expecting that they will pick up a certain amount of this. As Donna Kass pointed out, these hospitals are tax exempt and the reason that they're tax exempt is so that they are able to provide care for a certain percentage of indigent patients.

LEG. TONNA:

Well, there's a pool for that, right, for the -- they get -- everybody -- I mean, they get -- I mean, I don't know if they're tax exempt because of that. My understanding is they're tax exempt because of the corporate structure that there's no -- you know, unlike Brunswick Hospital that is a for-profit hospital, that they would have a situation where they're not, you know, not for --

LEG. BISHOP:

(Inaudible).

LEG. TONNA:

What, Brunswick is a for-profit.

LEG. BISHOP:

Right, I thought that's what the distinction is.

LEG. TONNA:

Yeah.

MS. GARCIA:

As a not-for-profit hospital, they are required to provide some charity care.

LEG. TONNA:

But so is Brunswick Hospital, a for-profit hospital. If you check into Brunswick Hospital, they're required also. See, I don't understand -- what I'm saying is I don't understand the indigent person that you're talking about. Let's say it's a child with asthma, right, it's not a -- you're saying that the hospital should be the primary place where they be picked up to be treated for their asthma?

MS. GARCIA:

If they require hospitalization.

LEG. TONNA:

Right, but if they require hospitalization they can go there for free, we know that already. They check in the emergency room and if they need to be admitted to a hospital they're admitted to the hospital. Where -- this is where I'm just trying to understand, what is the indigent person that you're talking about that the hospital should be picking up that is not being picked up?

MS. GARCIA:

A person coming in with asthma is treated for that emergency situation.

LEG. TONNA:

Right.

MS. GARCIA:

They may be treated in the ER and sent home.

LEG. TONNA:

Right.

MS. GARCIA:

That's the end of their care.

LEG. TONNA:

Right.

MS. GARCIA:

We have found this with patients with cancer who have gone through a screening program and then cannot get into a hospital to get treatment because that's not an emergency.

LEG. TONNA:

Uh-huh.

MS. KASS:

The other half, if I may interject, is --

LEG. TONNA:

Sure, just use the microphone so that we have --

LEG. FOLEY:

Ms. Kass, you have to speak into the microphone.

MS. KASS:

They actually --

LEG. TONNA:

Ma'am, you're going to have to use the microphone.

MS. KASS:

I'm sorry. They come --

LEG. TONNA:

And your name? I'm sorry, just so that --

MS. KASS:

I'm Donna Kass.

LEG. TONNA:

Hi, Donna.

MS. KASS:

They come to the emergency room with a true emergency.

LEG. TONNA:

Right.

MS. KASS:

They get stabilized because the hospitals are fully aware of the Federal Law, but then they get a bill, that's the problem. And then the bill gets turned over to a collection agency --

LEG. TONNA:

Right.

MS. KASS:

-- and then their salary is attached and their home is attached and the whole downward spiral starts because the hospital is not giving them charity care and the hospital is billing them at the highest rate, at a much higher rate than insurance companies pay them.

LEG. TONNA:

Right.

MS. KASS:

If they were made to formulate charity care policies, they would be much more apt to accept the fact that some people --

LEG. TONNA:

Okay.

MS. KASS:

You can't squeeze blood from a stone.

LEG. TONNA:

What does an indigent reporting then -- what does indigent reporting -- how does that help develop hospital policy when it's not a Federal Law?

MS. KASS:

It brings their behavior out into the open and nobody wants to be seen as this scrooge of the industry. Everybody has the field advisory that the IRS sent out to their field agents which lists 14 questions that Internal Revenue Service officers may ask of a hospital to demonstrate that in reality they are providing charity care; they don't but there is --

LEG. TONNA:

Okay, hold it. This is -- I'm just trying to understand the extent --

LEG. FOLEY:

Madam Chair?

LEG. TONNA:

--and you know, I'm asking the questions.

LEG. FOLEY:

Mr. Tonna, you also would be welcome, not only tonight but also at our Health Committee meeting where we'll be taking this issue up.

LEG. TONNA:

Well, I'm not going to be able to be at the Health Committee meeting.

LEG. FOLEY:

I'm just saying, that's --

LEG. TONNA:

And I have two experts here --

LEG. FOLEY:

No, I understand that. I'm just saying --

LEG. TONNA:

-- so I'd like to ask the questions now.

LEG. FOLEY:

-- not only tonight, but you're also welcome to come to the Health Committee meeting where we're going to debate this and --

LEG. TONNA:

Thank you; I'm not going to be able to be there. But anyway -- and that's why there's a public hearing.

LEG. FOLEY:

Therein lies the tail.

LEG. TONNA:

No, there's no problem here.

P.O. POSTAL:

You know something? May I --

LEG. TONNA:

This is what a public hearing is for, to ask people questions which I'm still asking.

P.O. POSTAL:

Paul, ask your questions. I think Legislator Foley was just making the entire Legislature aware that this issue will be discussed at the Health Committee meeting.

LEG. TONNA:

Well, I don't want to discuss it with Legislator Foley, I want to discuss it with the experts who came to speak.

P.O. POSTAL:

Well, you can certainly ask your questions.

[RETURN OF COURT STENOGRAPHER-LUCIA BRAATEN]**LEG. TONNA:**

Thank you very much, Presiding Officer. I'm trying to get at the point where the difference between -- and how reporting indigent care, okay, how is that going to help the young girl who doesn't have health insurance who has asthma?

MS. GARCIA:

One of the things we found when we did our first report was that when the media picked up on the report, there was a sudden change in the attitude of the hospitals.

LEG. TONNA:

So this is kind of like a public embarrassment bill.

MS. GARCIA:

It's exactly that.

LEG. TONNA:

It's to embarrass -- it's to embarrass the hospitals into saying, "You see what you're not doing," or whatever else or whatever else.

MS. GARCIA:

Right. Nobody wants to be the scrooge of the hospital industry.

LEG. TONNA:

So this is just to add publicity so that the hospitals will be more responsible.

MS. GARCIA:

That's a very big part of it.

LEG. TONNA:

Okay. So then when the reporting stops or the next year or something in between -- okay. I'm just trying to understand what the mechanism is.

MS. GARCIA:

Until we get the State to make fundamental changes in the amount of charity care that has to be provided --

LEG. TONNA:

Or the criteria of who they provided for. Obviously if you can put a lien against somebody's house as opposed to somebody who has no home, what is the criteria? I mean, you know --

MS. GARCIA:

Well, we do find that people have had liens put against their houses.

LEG. TONNA;.

Oh yeah, absolutely. We deal with that in our district office all the time.

MS. GARCIA:

And we've also found that their credit rating has gotten so bad that when they eventually are able to buy a house they can't get a mortgage because it's been destroyed, the credit rating.

LEG. TONNA:

But this is -- you know, I know that this is uninsured week, but this is more a function of the whole issue of the uninsured, right?

MS. GARCIA:

That's a major portion of it, obviously.

LEG. TONNA:

Right. Thank you.

P.O. POSTAL:

Legislator Bishop.

LEG. BISHOP:

First of all, tell Legislator Tonna that St. Francis is the biggest scrooge because he's --

LEG. TONNA:

I was a director of personnel, we wanted to change it to.

St. Maximilian, because it was -- you had St. Frances' name on it but it dealt with the least amount of needy and indigent people. It was an absolute scandal, I know that.

LEG. BISHOP:

I just want to explore the extent of the hospital's obligation under Federal Law, or under current law, be it Federal or State. Hospitals have an obligation to establish a charity pool?

MS. GARCIA:

Charity policy and to provide some charity care. Unfortunately, it's some.

LEG. BISHOP:

Some is the actual term in the law?

MS. KASS:

Yes.

MS. GARCIA:

Yes.

LEG. BISHOP:

Well, then this -- then Legislator Foley's bill would make perfect sense to me then because it would just be a matter of allowing the public to understand how hospitals define some since its allowed -- since the hospital is allowed to define some itself, some for one hospital might be, you know, 10% of its gross revenues and then some might be zero to another hospital, or one dollar.

LEG. TONNA:

It's not that easy. Some for Nassau County Medical Center --

P.O. POSTAL:

I think -- may I just -- Legislator Tonna? I just think that you and, Legislator Bishop are debating this bill and this is a public hearing and an opportunity to ask the people who are testifying questions.

LEG. BISHOP:

Do I understand the bill correctly, is that the point? It's so that there is a public record available

as to how hospitals are defining the word some?

MS. GARCIA:

That's a very large part of it. Part, of course, is that the County can plan for the care of this population and without that kind of information you can't do any planning.

LEG. BISHOP:

Correct. Thank you very much.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. And we'll certainly -- we're certainly going to get into much more detailed debate or discussion if you will at the next Health Committee meeting. I just want to make one quick point and what I would make a gentle correction, is as the sponsor of the bill, it's not my intention at all to embarrass anyone. I think what this is, more to the point, is to encourage, it's to encourage health care institutions to have a little more transparency with regards to the services they provide to the indigent. And one of the things, Madam Chair, that I will wait until the Health Committee to talk about is how this particular law was approved I think almost unanimously in Nassau County and many of the hospitals in Nassau understood the bigger picture were, in fact, quite supportive of it.

[RETURN OF COURT STENOGRAPHER - LUCIA BRAATEN]

So this is another area, if you will, where both Nassau and Suffolk can have roughly equivalent bills in order to reach a consensus, if you will, on how we're going to move forward with those in indigent care. And there's going to be other some interesting points we'll raise in committee that were brought to my attention last week, but I'll wait for the committee meeting to discuss those. But I just wanted to say on the record that this bill -- and it's never been my approach to embarrass as much it is to encourage. And I think, when we put this level of transparency to the process, we're going to be able to see just how encouraging we can be to the hospitals, and would also be interesting to see from a geographic point of view as to which hospitals are, quite frankly, giving more indigent care and which ones are giving less. So thank you.

P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Hello. It was brought to my attention that currently, by State law, hospitals in their community care reports, must report how much charity care they provide. Is this the same type of report that you're suggesting that the hospitals do for the County?

MS. KASS:

No.

LEG. FOLEY:

Speak into the microphone.

MS. GUERCIA:

No. Actually, they just give a bottom line. They have to report both bad debt and charity care. And it is only in the past year after our report was written that the State actually enforced the separation of those two types of care, and charity care --

LEG. FISHER:

Okay, yes. I saw the 2001/2002 report of --

MS. GUERCIA:

Right.

LEG. FISHER:

-- a local hospital in my district, they did have the various categories of charity care that they -- that they provide.

MS. GUERCIA:

Right.

LEG. FISHER:

And it was my understanding, when I did speak to a hospital administrator, that they found that this would be another financial burden for them to bear to create the report.

MS. GUERCIA:

Much of this material they are already collecting. Unfortunately, the part about how many apply for care is not something that they do report and how many are accepted. And those are very vital issues, because we have absolutely no handle on what kind of need there is there.

LEG. FISHER:

How many are turned away is what you're saying?

MS. GUERCIA:

Absolutely. And where they're sent. There is such an uneven distribution of charity care. Some hospitals are really being overburdened by having to assume the responsibility for a much larger share than is normal.

LEG. FISHER:

So then, Doctor, it's your opinion that we would not be able to achieve the intent of this legislation by culling our information from the report that the hospitals provide to the State?

MS. GUERCIA:

No, absolutely not. We looked through those reports from cover to cover and that kind of information is not there.

LEG. FISHER:

Okay. Thank you very much.

P.O. POSTAL:

Legislator Nowick.

LEG. NOWICK:

Yes. Thank you both for coming down. It's very educational for me. I was just curious, though -
-

P.O. POSTAL:

Use your mike. Maybe hold it closer.

LEG. NOWICK:

Okay. I was just curious, when an indigent person goes into the emergency room, I have pictures in my mind of him out on the stretcher and then saying, "Could you have any money? When this person is later billed and there's a lien on his home or her home and his TRW is all fouled up, at that point, can the indigent person prove to the hospital that they don't have money where they -- I mean, can they after the fact show them, "Please, take away the liens"? How does that work?

MS. GUERCIA:

Well, by that time, it's been given over to a credit collection agency, and once that process is started --

LEG. NOWICK:

They can't do that right away, as soon as they get the first bill, or as soon as they're released, say, "I am indigent"? I guess there has to be some type of a proof to the hospital that they are not making the threshold amount of money.

MS. GUERCIA:

Right.

LEG. NOWICK:

Is that the way it works?

MS. GUERCIA:

Some hospitals have guidelines, financial guidelines, but very few of them have anything that's very specific or that's available to the public readily. We found that patients inquiring and who wanted in advance to know what would happen to them could get no information about how much money they had to be earning in order to be eligible for any kind of charity care or even reduced fees.

LEG. NOWICK:

So it's the hospital that makes that determination?

MS. GUERCIA:

And every single one of them is different.

MS. KASS:

The hospitals also --

LEG. FOLEY:

Speak into the mike. You've got to speak into the mike.

MS. KASS:

-- are not inclined to forgive debt. And so what they will say to a patient after the fact is, "We will work out a payment plan." And I know it's an -- it's just anecdotal, but because our reports have received considerable publicity, we have been the recipients of a lot of phone calls and anecdotes. And I know of one patient who had started making payments and then lost her job, could not continue, was turned over to a collection agency, which then proceeded to demand full payment from the first dollar, and had the audacity to say that what she had already had paid for no longer counted, because she was now in default. So people are really exposed to all kinds of hardships.

LEG. NOWICK:

Oh, and they never get out of it.

MS. KASS:

And the County does have within its right to mandate that each hospital post a charity care policy. That in itself would help patients enormously, because it would define what they could apply for, what they would be eligible for, and what simply would be out of their reach.

LEG. NOWICK:

Well, it also sounds like they shouldn't just post it at the hospital, that the general public should be well aware of that, just to know it ahead of time and not to wait until you get to the hospital and say, "Uh-oh, I can't go in now."

MS. KASS:

Exactly.

LEG. BISHOP:

I'm on the list. I'm on the list.

LEG. TONNA:

Can I go on the list?

LEG. NOWICK:

Thank you for coming. It's been very interesting.

LEG. TONNA:

I have a question to ask.

P.O. POSTAL:

Thank you. Legislator Bishop, and then Legislator Tonna.

LEG. BISHOP:

I'm clearly sympathetic to the goal, and my initial statements were completely in favor of this legislation. But I have -- I now have a concern, listening to the dialogue, and that's this. Isn't there a disincentive, if the information is readily available, for the hospital to be generous? If, for example, you post on the internet that "Hospital X", if you make less than \$30,000 and have a family of four, you're eligible for their charity pool, and "Hospital Y" is, you know, \$10,000, then everybody between 10 and \$30,000 is going to run to "Hospital X" and then "Hospital X" is not going to continue with it's generous policy.

MS. GUERCIA:

Well, you've made a very strong case for having policies that are throughout the County and throughout the State, for that matter.

LEG. BISHOP:

Well, no, it --

MS. GUERCIA:

Hospitals are concerned about publicizing their charity care. However, you find that if they start to offer some of this reduced fee, that it's pretty close correspondence if it's publicized. I wish we could get somebody who would say that a family under \$30,000, even with five children, would get reduced fee service. You don't. The numbers are so low in most instances that even where there is a charity care policy, that it's frightening.

LEG. BISHOP:

But -- so the ultimate goal, the best solution would be to have a uniform published policy.

MS. GUERCIA:

Absolutely.

LEG. BISHOP:

And that's what we're trying to achieve with this, ultimately.

MS. GUERCIA:

Unfortunately, that's not something the County can do, that's a State responsibility.

LEG. BISHOP:

But the only thing we can do is mandate that they publish their past performance results, not -- or can we mandate that they publish their criteria?

LEG. TONNA:

They don't have criteria, most of these people.

MS. GUERCIA:

Well, they have to provide that in the charity care policy.

LEG. BISHOP:

To publish their policy, right.

MS. GUERCIA:

Right.

LEG. BISHOP:

Right. Okay. Thank you.

P.O. POSTAL:

Legislator Tonna.

LEG. TONNA:

Yeah. Just you have seen, as you've mentioned, you've seen some of the policies, the written policies. There were three hospitals that had policies written. Are these policies dollar amounts? No. It's just a -- it's a -- like a patient bill of rights, right? It's -- there are -- you know, it's kind of like a mission statement or something. They're not giving you, as Legislator Bishop kind of created the image, you know, \$30,000, family of four? None of the policies are written that way, right?

MS. GUERCIA:

There is an application for charity care that usually goes along with the policy, and in the actual { Hilburton } hospitals, that was a requirement of the federal government.

LEG. TONNA:

Then an application.

MS. GUERCIA:

Right. And those --

LEG. TONNA:

Yeah.

MS. GUERCIA:

And those levels are published in the newspaper, Pennysaver, and where have you.

LEG. TONNA:

Which levels, levels of what?

MS. GUERCIA:

For the { Hilburton } Law.

LEG. TONNA:

Levels of the sliding scale?

MS. GUERCIA:

Right.

LEG. TONNA:

So, if you make this amount of money, you're entitled to that amount?

MS. GUERCIA:

Exactly.

LEG. TONNA:

Don't you think it would be maybe a better policy that anybody who there's a question of payment, that they would have to see a representative from the hospital who would -- who would then have to work through this, or that there would have to be an application and they would work through this sliding scale?

MS. GUERCIA:

In most instances, that's the case. The policy that --

LEG. TONNA:

Then what's the problem?

MS. GUERCIA:

The policy that we're looking for to be posted in every hospital in everyplace where patients may be is something to effect that, if you have a financial problem, we are here to help you. And if you call this number or go to this office, we will work out something for you.

LEG. TONNA:

Or we will look into it, right? I mean, how do you know that they'll work out something for you?

MS. GUERCIA:

Well, in most cases, if the patient is financially eligible, they, if nothing more, will work out a payment plan. Most hospitals will do that. It doesn't mean they're going to reduce it, they'll just stretch it out a little.

LEG. TONNA:

Okay. My last question. Is the hospitals the real culprit here or is it the health centers? In

other words, when you go for -- the young girl with asthma, if it's not an acute situation, she doesn't go to the hospital, right, she needs to go to a center where she's going to get primary care, you know --

MS. GUERCIA:

Right.

LEG. TONNA:

-- regular primary care. Aren't those the places where we really have the problems, not at the hospitals as much, but at the centers that -- you know, where indigent people can go, like County health centers, which, by the way, we do have say over, and places like that? Isn't that the places that we should be able to go to?

MS. GUERCIA:

It's both, really.

LEG. TONNA:

Okay.

MS. GUERCIA:

It's both.

LEG. TONNA:

So why just pick the hospitals?

MS. GUERCIA:

Because that's where we found the greatest problem.

LEG. TONNA:

Okay.

MS. GUERCIA:

They're more amenable in the health centers.

LEG. TONNA:

Okay. Thank you very much.

MS. GUERCIA:

You're welcome.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Our next speaker is Victoria White.

MS. WHITE:

Good evening. My name is Victoria White. I want to thank the Suffolk County Legislature for this opportunity to speak. I'd like to testify in support of the consideration of this landmark legislation, 1143.

To give you some background, I'm from the Coalition to Eliminate Racial and Ethnic Disparities in Health Care. It was formed in October of 2000 in response to what has been called the health divide. It is to address health disparities and issues of access.

The African-American Health Education and Development Foundation, known as AHED, and the Long Island Minority AIDS Coalition, LIMAC, collaboratively built a broad based coalition of target populations and community sectors that includes representation from public health agencies, hospitals, the faith community, law enforcement, civic organizations, community based organizations, unions, civic associations, health and human service organizations and senior groups.

The mission of the Coalition was to develop a comprehensive plan to address health disparities related to race and ethnicity. To that end, members have worked together to produce a cultural competency protocol for health care organizations.

It is also our responsibility to educate the wider community regarding policies that will facilitate culturally competent quality health care and result in improved access, as well improved treatment outcomes from patients.

Our Nassau County Law 12003, which is similar to your law, 1143 that is before you, requires hospitals to post and notify patients what is available to them by law. Hospitals, as entities that receive favorable tax benefits, are obligated to treat those unable to pay. This law informs the patient of the existence of financial aid to cover costs associated with the delivery of health care.

In adopting legislation similar to the Nassau County law, the Suffolk County Legislature will provide increased access and the improvement of the health of those with inadequate finances. This is a matter of giving information to those who need it, those who are uninsured and ineligible for health benefits from other such sources, such as Medicaid, Medicare, Child Health Plus, etcetera. They constitute the working poor, people who may be changing their jobs. Some of them are workers in small firms that lower employer sponsored insurance coverage and others who cannot meet the expense of needed health care.

As recently as this month, March of 2003, the Commonwealth Fund reported that a majority of Hispanics and a third of African-Americans were uninsured and receiving less than quality health care. By adopting this legislation, the Suffolk County Legislature will improve the ability of patients to seek care earlier without the deterrent fear of lack of ability to pay.

Early interventions often result in improved health outcomes at lower cost. Indeed, hospitals, as well as the Suffolk County Department of Health, will acquire the data needed for allocating limited resources. When viewed on a broad scale, this legislation will go far in providing for positive change in the health status of minorities and the poor. The Coalition to Eliminate Racial and Ethnic Disparities in Health Care supports the adoption of this law in Suffolk County that requires the dissemination and gathering of information regarding, quote, "charity care", unquote, that benefits all people.

And I just want to say that, very often, what had been happening in our County was that when hospitals would treat you in the emergency room, you become stabilized, and then they would send you to another hospital, the County hospital, and that hospital had an unfair burden of people who could not pay and of the indigent. And we feel it's more equitable for all of the hospitals to share some of that burden.

P.O. POSTAL:

Thank you, Miss White.

LEG. FOLEY:

Madam Chair.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

If I just might ask, your written comments, could you leave that, a copy of that, with the -- with our staff, because -- and then we'll make copies for all 18 Legislators, so we'll have it before our next Health Committee meeting. Your points were very well taken. I want to thank you.

P.O. POSTAL:

Thank you very much. Our next speaker is John Carpenter.

MR. CARPENTER:

Thank you. My name is John Carpenter. I live in South Setauket, Suffolk County, and I am a member of the Long Island Coalition for National Health Plan. Thank you for allowing me to address you tonight. I'm here to ask you to pass the Local Law 1143, to establish hospital reporting policy for indigent care in Suffolk County.

I know I should not be, but I am still astonished that, in this day and age, a law like this should be necessary in Suffolk County. However, the survey recently conducted on Long Island under the direction of Dr. Rosemarie Guercia and Donna Kass established beyond any doubt the need.

It should be pointed out that in an initial survey was conducted, principally in Nassau County, the results were published in Newsday and the New York Times. One would have thought that the message would have gone out to all Long Island hospitals. Unfortunately, that was not the case, as a follow-up survey showed too well.

As you well know, groups such as the Long Island Coalition for a National Health Plan, the League of Women Voters, and the Gray Panthers have been working for many years for a national universal health plan that all industrialized countries, except the U.S.A. have had for many years. Today we are still a long way from that goal, and, consequently, we are faced with a plight of about 42 million people who were without any health insurance in 2001. That

statistic is pretty common knowledge, but a new report issued recently by Families U.S.A. states that 74.7 million under the age of 65, nearly one in three, were insured -- uninsured for some amount of time. The report also says that 80% were working for part of the year. Therefore, 20% had no work for the whole year.

The Families U.S.A. report then goes on to state that the consequences of being uninsured include the following:

One, less likely to have the usual sort of care aside from an emergency room. Two, less likely to receive preventive care. Three, more likely to skip a recommended test or treatment. Four, those suffering from chronic conditions receive less care, fewer health visits, and fewer prescription drugs. Five, are more likely to be hospitalized for conditions that could have been prevented than those with insurance.

The uninsured are sicker and die earlier than those with insurance. It is unconscionable, immoral, and unethical that any of their fellow beings should have difficulty in obtaining the hospital care that they need. One hopes that it will soon be illegal.

Another statistic that was publicized about six months ago stated that about 18,000 people die in this country due to the lack of preventive care. We were rightly upset about 3,000 people who died as a result of September the 11th. Should we not be as upset about the 18,000?

This legislation must be enacted. It will help ensure that no indigent person will be turned away from a Suffolk County hospital. Thank you for introducing this legislation. It is badly needed both here and at the State level. Thank you very much.

P.O. POSTAL:

Thank you, Mr. Carpenter.

LEG. FOLEY:

Thank you, John.

(Applause)

P.O. POSTAL:

Next speaker is Beverly Carpenter.

MRS. CARPENTER:

After following such --

P.O. POSTAL:

Mrs. Carpenter, it's very hard to hear you. You have to speak into the mike. And I would ask everybody to please pay attention, and conversations make it even more difficult to hear Mrs. Carpenter.

MRS. CARPENTER:

After following the other speakers, my talk seems rather lowly. However, my plea is for the children. My name is Beverly Carpenter and I live in South Setauket in Suffolk. Today, I am speaking on behalf of the Gray Panthers of Suffolk County.

Our organization, a branch of the National Gray Panthers, is fighting for universal health care, no matter your age or financial status, in particular, health care for people without health insurance, our children and grandchildren.

In this country, according to Children's Defense Fund, nearly.

12 million children live in poverty and millions are hungry, at risk of hunger, living in worst care housing, or homeless. A child is born without health insurance every 59 seconds.

Published by Families U.S.A. of adults who are uninsured, young adults, 18 to 24 years old, are the most likely to be uninsured, 49.6%. What do they or their parents or grandparents do if they need medical care or hospital care? What do we do? That is what brings me or us, the Gray Panthers, here today, the law to establish hospital reporting policy for indigent care in Suffolk County. It needs your support and passage into law by the Suffolk County Legislature. The importance of this law lies in the knowledge that the care of the indigent must be reported to the Legislature by the nonprofit hospitals, and, thus, hold the hospitals responsible for their care.

As a parent, grandparent and a retired teacher, it is important to know that no child shall be refused medical treatment by a hospital because of inability to pay. A former student of mine always comes to my mind. A boy in my class lived in a car on a part-time basis. The time not

spent with his parents, he lived with his grandmother and uncle in their home. Despite all his emotional and learning disabilities, this child showed the promise of becoming an adult who would become a benefit to the community. The federal law requiring hospital care, and now the Suffolk County law requiring reports of medical care of the indigent, would ensure that children like my former student would receive medical care, if needed.

I want to thank you for permitting me and the group I represent, the Gray Panthers of Suffolk County, to let our wishes be known. Thank you for listening to all of us who have spoken for the passage of this law today. We hope you have heard us and pass it into law. Thank you.

P.O. POSTAL:

Thank you, Mrs. Carpenter.

LEG. FOLEY:

Thank you.

LEG. FISHER:

Thank you, Mrs. Carpenter.

P.O. POSTAL:

Our next speaker is Janet Allen.

MS. ALLEN:

Good evening. I'm Janet Allen, I live in Huntington Station, and I'm here in support of this same law. I will just raise a couple of points of my own. I will not go over what others have already said.

Tax benefits are currently being offered as the solution to nearly every problem today, from stimulating the economy, to making people do what others believe they should do, whether it's save, invest or spend wisely. Corporations which receive favorable tax benefits and special funding must also be held accountable for the breaks that they receive.

Without a workable mechanism for accountability, neither the public, nor the Legislators, have any assurance that citizens are getting our monies worth for the tax dollars being granted for any public purpose, including the one of providing health care to those most in need of it, who

are unable perhaps to pay any and all of the costs.

A local law, modeled on Nassau County's recently enacted law, would give Suffolk a good set of tools and data, which you could use to monitor how those funds granted with one intent are actually being used and for whose benefit. As was previously said, much of the data is already collected, but it's not analyzed in a form that tells you what is really happening to people from your districts, people in various walks of life, people's whose financial situation takes a turn for the worst. Perhaps they intended to pay, or are very proud and really want to pay, but other circumstances intervene. And if they say nothing, if they don't even know that there's a possibility that help could be given, or special arrangements made, they will go to the collection agencies, and they will be at risk of losing their homes.

It is very appropriate that this hearing is being held during National Cover the Uninsured Week, although not only the uninsured are at risk from this. There are many people who are underinsured as well for their particular --

LEG. FOLEY:

Madam Chair, can we have some order? Madam Chair, can we have some order here, please.

LEG. CRECCA:

It's my fault. I apologize.

LEG. FOLEY:

Thank you.

MS. ALLEN:

Thank you. For their particular health situations. And those who most need this, unless they know it exists, would never know to ask. This is true in some other arenas, perhaps public assistance and so forth. It's almost like it's trick questions. If you know to ask exactly the right question framed in exactly the right words, you might be led to a resource that could help you. In this case, it's life and death, and we cannot let it be left to chance any longer.

You have an opportunity to ask the hospitals to deliver what the original legislation was intended for them to do, and the funding is granted to them to cover such charity care or reduced fee care as they may provide. In Suffolk, perhaps it's less of a problem than in Nassau, where

there's the one public hospital to whom everybody was being shipped after they were stabilized, and a high proportion of their patients, unfortunately, ended up being those unable to pay the bill. We have a different situation in Suffolk, but we also have a totally different geography, and we need to be realistic, that you can't just say, "Oh, well, go to the other end of the County to some other hospital," in the middle of the night or whenever. Taxis are extremely expensive. Buses don't run frequently enough. Ill people can't really navigate that system. So I think we need to look where we are planted and see what we can do to make our system work much better. And I really do encourage you to take a look at this legislation as a valuable tool. Thank you so much.

(Applause)

P.O. POSTAL:

Thank you.

LEG. FOLEY:

Thank you.

P.O. POSTAL:

I have no more cards on this public hearing. Is there anyone else who would like to address the Legislature on this issue? Hearing no one, Legislator Foley?

LEG. FOLEY:

Motion to recess, Madam Chair.

P.O. POSTAL:

Motion to recess by Legislator Foley.

LEG. GULDI:

Second.

LEG. FISHER:

Second.

LEG. TONNA:

Seconded by Legislator Fisher. All in favor? 1143 is recessed. **Public hearing regarding Introductory Resolution Number 1149, a Charter Law adding Article 27 -- 37 to the Suffolk County Charter to provide a Suffolk County Save Open Space Fund.** I have no cards. Is there anyone who would like to address the Legislature on this issue? Hearing no one, Legislator Fisher?

LEG. FISHER:

Motion to close.

P.O. POSTAL:

Motion to close, seconded by Legislator Cooper. All in favor? Opposed? 1149 is closed.

I have a motion by Legislator Lindsay, seconded by Legislator Caracappa, to set the date of the -- of April 8th, 2003 at 2:30 P.M., in the William Rogers Legislature Building, Hauppauge, for the following public hearings. Public hearing regarding I.R. 1158, public hearing regarding I.R. 1160. All in favor? Opposed? The date of the public hearings has been set. The meeting is recessed until 8:15.

[THE MEETING WAS RECESSED AT 7:40 P.M. AND RESUMED AT 8:15 P.M.]

P.O. POSTAL:

We're turning to resolutions tabled to March 11, 2003. **1050-Authorizing retrofitting of lights and LED fixtures.** Legislator Cooper?

LEG. COOPER:

Motion to table, please.

P.O. POSTAL:

Motion to table, seconded by -- I don't know who that was. Legislator Foley. All in favor? Opposed? 1050 is tabled.

MR. BARTON:

15. (Not Present: Legs. Towle, Haley and Crecca)

P.O. POSTAL:

1275-To implement Town of Babylon Affordable Housing Plan. I'll make a motion to table, seconded by Legislator Bishop. All in favor? Opposed?

MR. BARTON:

15. (Not Present: Legs. Towle, Haley, Crecca)

P.O. POSTAL:

1275 is tabled.

P.O. POSTAL:

1585 (Authorizing waiver of interest and penalties for property tax for Joseph Bryan and Marie Bryan (SCTM No. 0200-979.70-02.00-025.000)).

LEG. FOLEY:

Table.

P.O. POSTAL:

Who's that motion by?

LEG. FOLEY:

Motion to table.

LEG. CARPENTER:

Second.

P.O. POSTAL:

Legislator Foley. Seconded by Legislator Carpenter. All in favor? Opposed? 1585 is tabled.

MR. BARTON:

15. (Not Present: Legs. Towle, Haley and Crecca)

P.O. POSTAL:

1856-Adopting mass transportation system map for Suffolk County. I'm going to table this, because the Department of Public Works is telling me that within another month or so, they will have this completed and be ready to present this, so I'm going to wait just a little bit

longer. But, if it's not ready, I'm going to move on it. So I'll make a motion to table it, seconded by Legislator Caracappa. All in favor? Opposed?

MR. BARTON:

15. (Not Present: Legs. Towle, Haley and Crecca)

P.O. POSTAL:

1856 is tabled. **1960 (Authorizing the sale of County-owned real property pursuant to Section 72-h of the General Municipal Law to he Town of Brookhaven for affordable housing purposes).**

LEG. CARACAPPA:

Motion to table.

LEG. FOLEY:

Second.

P.O. POSTAL:

Motion to table, Legislator Caracappa, seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:

15. (Not Present: Legs. Towle, Haley and Crecca)

P.O. POSTAL:

1960 is tabled. **2141-Making a SEQRA determination in connection with the proposed scavenger waste facilities at existing Yaphank sewage treatment plant site (proposed SD #24) Town of Brookhaven.**

D.P.O. CARACAPPA:

Table.

LEG. FOLEY:

Second.

P.O. POSTAL:

Motion to table, second -- by Legislator Caracappa, seconded by Legislator Foley. All in favor?
Opposed?

MR. BARTON:

15. (Not Present: Leg. Towle, Haley and Caracappa)

P.O. POSTAL:

2141 is tabled. **(2245)-Appointing Richard W. Kruse as a member of the Suffolk County Industrial Development Agency (IDA).** Motion --

LEG. FOLEY:

Legislator Tonna, what's your pleasure?

LEG. TONNA:

I'll make a motion to approve.

LEG. COOPER:

Second.

LEG. BINDER:

Second.

LEG. FOLEY:

Second. I'll second it.

P.O. POSTAL:

I'll make a motion to table.

LEG. GULDI:

Second.

P.O. POSTAL:

Roll call.

MR. BARTON:

On the motion to table.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:

Yes.

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

No.

LEG. TOWLE:

(Not Present)

LEG. FISHER:

Yes.

LEG. HALEY:

(Not Present)

LEG. FOLEY:

No, to table.

LEG. LINDSAY:

No.

LEG. FIELDS:

Pass.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

No.

LEG. CRECCA:
(Not Present)

LEG. NOWICK:
Yes, to table.

LEG. BISHOP:
To table, yes.

LEG. BINDER:
No.

LEG. TONNA:
No.

LEG. COOPER:
No.

LEG. CARACAPPA:
Yes.

MR. BARTON:
Legislator Towle *(Not Present)*. Legislator Haley *(Not Present)*.

LEG. FIELDS:
Yes.

LEG. ALDEN:
Yes, to table.

MR. BARTON:
Legislator Crecca *(Not Present)*. Eight. (Not Present: Legs. Towle, Haley and Crecca)

P.O. POSTAL:

All right. There's a motion and a second, I believe, to approve. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. TONNA:

Yes, to approve.

LEG. FOLEY:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Abstain.

LEG. TOWLE:

(Not Present)

LEG. FISHER:

Pass.

LEG. HALEY:

(Not Present)

LEG. LINDSAY:

Pass.

LEG. FIELDS:

Abstain.

LEG. ALDEN:

Abstain.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

(Not Present)

LEG. NOWICK:

Pass.

LEG. BISHOP:

No.

LEG. BINDER:

Yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Abstain.

P.O. POSTAL:

No.

MR. BARTON:

Legislator Towle ***(Not Present)***.

LEG. FISHER:

No.

MR. BARTON:

Legislator Haley ***(Not Present)***.

LEG. LINDSAY:

Yes.

LEG. NOWICK:

No.

MR. BARTON:

Seven. (Not Present: Legs. Towle, Haley and Crecca)

P.O. POSTAL:

2245 fails. **2256-Requiring County Department of Economic Development to advertise Suffolk County Commuter Tax Advantage for Workers. Legislator Binder?**

LEG. BINDER:

Motion to approve.

P.O. POSTAL:

Motion to approve.

LEG. COOPER:

Second.

P.O. POSTAL:

Seconded by Legislator Cooper. All in favor?

LEG. BISHOP:

On the motion.

LEG. FISHER:

On the motion.

P.O. POSTAL:

On the motion, Legislator Bishop, followed by Legislator Fisher.

LEG. BISHOP:

This could be a very dangerous policy, because what if they --

LEG. BINDER:

I'll explain.

LEG. BISHOP:

Yeah, I'll yield for an explanation, because it seems very fluid at the moment.

LEG. BINDER:

Right. The idea here is that nothing happens until it comes back to us, and it doesn't come back to us until they pass a commuter tax. This really is really -- all this is is sending a message, and the message is, if you're going to pass a commuter tax on people of Suffolk County, we're going to go looking for businesses in New York City who employ our residents that you're asking to tax, and we're going to try to get them to come out here and set up shop out here, so your workers don't have to pay the tax. And so this is -- all this is is, basically, the threat, "We're going to start to cherry-pick companies and bring" -- "then we're going to work hard to bring them out here, if you're going to pass a commuter tax."

It doesn't obligate us to do anything. It kind of sets out the parameters of what we will do, but we'll -- but it still has to come back to us. Even if they pass a commuter tax and we want to set this up, it's got to first come back to us before it's actually done, so as not to worry that it will happen. It doesn't even trigger anything. More than anything else, it sends a message.

P.O. POSTAL:

Legislator Bishop, did that answer your question?

LEG. BISHOP:

Kind of. I mean, when you say it comes back to us, when -- explain what that means.

LEG. BINDER:

They have to him come back -- Counsel probably would back me up if I'm wrong. It should -- they have to come back with a plan. So they're going to have to create a plan and then they come back, so they can't expend money, they can't go out and do it, they can't do the mechanics of actually going into the City, spending money and trying to lure the companies here, they'll have to come back to us and get approval on that. And that's why, more than anything, this is a message and let's them know that we're going to set up the -- we're ready to set up and do it, should they pass a tax.

MR. SABATINO:

They have 60 days to come back, they have to come back within 60 days. So Legislator Binder is absolutely correct, and the Legislature would have to approve the plan.

LEG. BISHOP:

Well, let me just say this --

P.O. POSTAL:

Legislator Bishop, did that answer your question?

LEG. BISHOP:

Yes. I'll -- on the motion. I'm opposed to the commuter tax. I don't think any elected official on Long Island is in support of the commuter tax. However, advertising in New York City to take jobs from there and move them here will just invite counter-advertising from New York City here, and we'll just go down a slippery slope of not working together as a region, but of savaging each other's economic base. New York City is proposing a commuter tax, because they're in dire straits. Suffolk County is in dire straits. The reason we're in dire straits is because officials at the top of the -- one of the primary reasons is that officials at the very top of the federal and state government continue to want to protect income tax reductions for the most wealthy by passing along more and more cost to local government, be it a state, county or New York City, and that's a more fundamental issue that we need to address that would solve both the New York City fundamental problem and the Suffolk County fundamental problem. So, I don't know if this is the right way to work together as a region for prosperity. To me it seems like this is -- I mean, how much -- if I may ask another question, how much money would this plan cost? How much money do you envision advertising?

LEG. FISHER:

A hundred thousand dollars?

LEG. HALEY:

A hundred here, a hundred there.

LEG. BISHOP:

So what is \$100,000 in advertising in a market like New York City? It just doesn't seem like it's

anything more than \$100,000 message. It's a very expensive message with probably very little impact, and perhaps the wrong message, too.

P.O. POSTAL:

I think -- Legislator Cooper, had you asked for the floor?

LEG. COOPER:

No.

LEG. FISHER:

No, I was --

P.O. POSTAL:

Legislator Fisher.

LEG. BINDER:

Put me on.

LEG. FISHER:

Basically, my concern is that it's \$100,000 that wouldn't be enough to really make a considerable difference, but is too much for us to squander. And I don't know if I approve of the message either. I believe we have to work regionally together.

P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

Why wouldn't you just table this and wait and see what happens with the City?

LEG. FIELDS:

I guess I'm asking the sponsor.

LEG. BINDER:

The reason I want it to pass is because then it's real, it's not that we might have it, it's sitting here, possibly going to pass and we don't know if we have the votes. If it passes, then they

know that we can go to the next step. But it was written specifically so we wouldn't go until they passed a commuter tax which is overly offensive to us.

LEG. FIELDS:

And doesn't it look like the Suffolk County Legislature approves of a commuter tax, if we pass this now?

LEG. BINDER:

No, no, because what it's saying --

LEG. FIELDS:

Why wouldn't it look like that? I mean, if you read the bill and everyone read in the paper that Suffolk County Legislature approved the Department of Economic Development to advertise the Suffolk County commuter tax advantage for workers, it would be like that.

LEG. BINDER:

No, they --

LEG. FIELDS:

Unless they really examined it.

LEG. BINDER:

No. But that's not how this is -- it could be portrayed. That's not what this is. This is specifically if -- if they pass commuter tax, the advantage for a company is to be here. A company that employs a number of people from Suffolk and/or Nassau County, it's an advantage to be here, because their workers won't have to pay the tax if they're here. That's the point. And we should let them know that we're going to start looking at ways to bring those companies here.

P.O. POSTAL:

Legislator Fisher?

LEG. FISHER:

Yes. I'm sorry. I was distracted. Were you asking me something?

P.O. POSTAL:

No.

LEG. FIELDS:

No.

P.O. POSTAL:

I think -- did you want the floor? I thought you --

LEG. FISHER:

No. I already asked my question.

P.O. POSTAL:

Oh, I'm sorry. Legislator Lindsay.

LEG. LINDSAY:

Yeah. I'm opposed to the commuter tax like the rest of us are, too, but I think this is the wrong approach. I think if New York City passes a commuter tax, we should seek permission from the State to do a similar tax for residents that live in New York City that work out here. I think that's a way of taking in money, not spending money to react in a proper amount.

LEG. CARACCILO:

Here-here.

P.O. POSTAL:

Legislator Fields.

LEG. BISHOP:

I'm going to make a motion to table.

LEG. FIELDS:

No, I'm done.

P.O. POSTAL:

No?

LEG. BISHOP:

I'll make a motion to table.

LEG. FISHER:

Second.

P.O. POSTAL:

Okay. Motion to table by Legislator Bishop, seconded by Legislator Fisher. All in favor?
Opposed?

LEG. BINDER:

Opposed.

LEG. CARPENTER:

Opposed.

LEG. HALEY:

Opposed.

P.O. POSTAL:

Legislator Binder, Legislator Carpenter, Legislator Haley. Anyone else who's opposed? Oh,
Legislator Fields.

LEG. FIELDS:

No, I'm not opposed to tabling.

P.O. POSTAL:

Oh.

LEG. FIELDS:

I'm not opposed to tabling.

LEG. FOLEY:

Yes, to table.

LEG. CRECCA:

Henry, abstain.

LEG. FOLEY:

Yes, to table, Henry.

LEG. CARACAPPA:

I'm here, Henry.

MR. BARTON:

Okay. It's 13. (Not Present: Leg. Towle)

LEG. FISHER:

Joe came back to the 'hood.

P.O. POSTAL:

Okay. 2256 is tabled.

LEG. BISHOP:

(1049) This is coming over on CN, so I don't know if --

P.O. POSTAL:

Okay. We'll come -- yeah, okay. We'll just leave it, come back to it. That was 2256 that was tabled. **1057-Request from the Suffolk County Community College for the use of reserve funds for emergency roof replacement.** Legislator Foley?

LEG. FOLEY:

I'll make a motion to approve.

LEG. HALEY:

Second.

LEG. FISHER:

Second.

P.O. POSTAL:

Motion to approve, second by Legislator Haley. Legislator Crecca?

LEG. CRECCA:

On the motion. How much is this, Brian, if you know, or Budget Review?

LEG. FOLEY:

A hundred and thirty -- 139.

MR. SABATINO:

No, it's 163,000.

LEG. FOLEY:

A hundred and sixty-three.

LEG. CRECCA:

How much is it, 130?

LEG. FOLEY:

No.

MR. SABATINO:

A hundred and sixty-three.

LEG. FOLEY:

A hundred and sixty-three.

MR. SABATINO:

One-sixty-three.

LEG. ALDEN:

On the motion.

P.O. POSTAL:

On the motion, Legislator Alden.

LEG. ALDEN:

How much is left in the reserve funds?

MR. POLLERT:

4.7 million dollars.

LEG. ALDEN:

How much was -- basically we committed -- how much at the last meeting?

LEG. FOLEY:

That was for the early retirement incentive approval.

MR. SPERO:

It's 1.7 million.

LEG. ALDEN:

How much?

MR. SPERO:

1.7 million.

LEG. ALDEN:

So, 1.7. But has that been subtracted from the number that you just gave me, as far as what's left in the reserve account?

MR. POLLERT:

No.

LEG. ALDEN:

Oh, so we have to subtract the 1.7 million, and then what do we have left?

MR. POLLERT:

Roughly 3 million dollars.

LEG. ALDEN:

Three million. Okay, thanks.

P.O. POSTAL:

Legislator Haley

LEG. HALEY:

This roof repair, is one of those buildings the Islip Building, Islip Arts Building; does anybody know that?

MR. POLLERT:

It was repairs to the Southampton Building.

LEG. FISHER:

Southampton.

LEG. HALEY:

I know they got a -- they had a roof problem at the Islip Arts Building

LEG. FOLEY:

The Plant Manager is here. Madam Chair, through the Chair, the representative from the -- Mr. Cooper from the College can answer the questions about the capital --

LEG. HALEY:

Thank you.

LEG. FOLEY:

If you need it.

LEG. HALEY:

Thank you, Mr. Chairman.

LEG. FOLEY:

Okay.

MR. COOPER:

The Islip Arts Building has a fairly new roof that's under warranty and we have some repairs being done by the manufacturer.

LEG. HALEY:

In that stairwell? In that stairwell. Didn't they just have a roof --

MR. COOPER:

The ceiling drop or something?

MR. COOPER:

But that will be repaired under the warranty. This is the Southampton Building, which is an old roof.

LEG. HALEY:

Okay, fine. Thank you.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Fred, I'm sorry. I just had a couple of more questions on that reserve fund. Do we anticipate there's any other draw-downs to that fund or -- in the course of the year?

MR. POLLERT:

Yes. The Community College had indicated that there are a group of other projects that they would like to fund that basically deal with maintenance improvements to the building that they would like to take from the reserve fund as well.

LEG. ALDEN:

If the budget, or the New York State budget, as proposed by the Governor, if that goes through, what's the effect on Suffolk Community College? Does it create a shortfall that they would possibly turn to us to use a reserve fund on?

MR. POLLERT:

It would create a dramatic shortfall in the Community College Fund, because the Governor's budget is proposing both doing away with the rental aid, as well as a reduction in the FTE aid of roughly 2.2 million dollars. In addition to that, the County Executive has requested that the community college prepare the next years operating budget with no increase in county contributions. So we are anticipating, if the State budget goes through as proposed, there will be a dramatic increase in the student tuition, as well as totally wiping out the reserve fund.

LEG. ALDEN:

Okay. And I think that's important, just to consider what's going to happen with the reserve fund and what --

MR. POLLERT:

It's probably going to be wiped out.

LEG. ALDEN:

Okay. Thanks.

LEG. FOLEY:

Max.

LEG. HALEY:

Max.

P.O. POSTAL:

Brian.

LEG. FISHER:

Yeah. This 163 amounts to a very small portion, a very small portion of the overall monies that are in the surplus account. And just to answer Legislator Alden's question, Legislator Alden -- Madam Chair. Cameron, just to go a little further with your question, at our last committee meeting, we had an in-depth discussion about the impact of the proposed State budget on the Community College, and it's our hope and expectation that some changes will be made to the State budget vis-a-vis the Community College system. But, at the same time, there are these repairs that need to be made, and while I wouldn't agree to doing this every time we have a

meeting, this particular time, it's an emergency nature, it needs to be done, and that's why I'm giving and our committee had given, let's say, a guarded approval to this particular resolution.

LEG. ALDEN:

In response?

LEG. FOLEY:

Not that we would do this every time. This is --

P.O. POSTAL:

Legislator -- I'm sorry.

LEG. FOLEY:

This is just one -- this is an unusual event that has to be taken care of.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

I apologize. And if my --

LEG. FOLEY:

No apologies needed.

LEG. ALDEN:

-- comments were taken as either, you know, being for or against this bill, because what I'm really trying to do is -- is just ascertain what kind of condition and also some of the ramifications of the process. And later on this year, we might be faced with a budget crisis of our own, and the Community College is going to have some pressure on basically the tuition, and also to maintain services and the high quality of education over there, so --

LEG. FOLEY:

You're absolutely right.

LEG. ALDEN:

Just that's the only thing I'm looking at here. This is a small amount, as you pointed out.

LEG. FOLEY:

Right.

LEG. ALDEN:

It's an emergency situation. But every one of these things start to add up to, you know, large numbers, and, basically, we're wiping this reserve fund out.

LEG. FOLEY:

Well, that's why I just -- a final word, Madam Chair. That's why many of us are -- have over the last month, and will over succeeding months, be, let's say, aggressively advocating to the State to revisit their unwise cuts to higher education, because none of us want to see a \$700 tuition increase for our students at the Community College.

And I would also say, just for the record, since it was mentioned earlier, that the County Executive has requested a zero percent increase in the County's -- in the County's contribution to the College and have the College prepare that kind of budget. I on the record had spoke to the college to say there is nothing -- there is nothing within the County Charter to prevent the College administration and the Board of Trustees from not only submitting the budget as requested by the County Executive, but they can also submit parallel to that what would be called a full-needs budget. So that they can do. I've spoken with President Hollander -- the Chairman Hollander about that, I spoke with President LaLima that while they have to abide by the request by the County Executive to submit that zero percent, but, at the same time, as happened under the Cohalan administration, they could also submit another budget that addresses the full needs of the College, so --

LEG. HALEY:

Madam Chair. This really hurts me to agree with Legislator Foley. It really does, but, yeah, I had to --

LEG. FOLEY:

That's only because you're leaving.

LEG. HALEY:

I know. I had the opportunity to visit the Islip Arts Building. I spent eight years as a school board member in Rocky Point, and as economics ebbed and flowed throughout many school districts, Rocky Point has done a very good job of maintaining the course in that they took very good care of their assets. And what concerns me, when I saw the Islip Arts Building, is it needs a lot of work. It's an old building. And I'm sure if we were to do a little study, you're going to find out that a lot of buildings in our Community College system as an asset -- the food's ready, thank you -- needs work. And I think, at some point in time, we better be prepared to address, from a capital approach, all of those needs, not just emergency roof repairs. And I think, you know, it's a no-brainer, we have to do that. But a lot of those buildings are in disrepair and I think we need to do something about it. And it's -- I know we have to look at, you know, the Executive has to do -- provide a budget that's within certain parameters, and I think it's appropriate for us to look at what the Community College thinks is necessary to maintain the assets. It's just not teaching kids, because, you know what, putting kids in an atmosphere that works for them, a building that is -- I was in a building -- I walked into an empty classroom that had a thermostat that was broken and beat up. It had to be 80 degrees in there. That's costing money.

LEG. FOLEY:

Absolutely.

LEG. HALEY:

I looked at a facility that was --

LEG. CARACAPPA:

Spoken like a true Deputy Treasurer.

LEG. HALEY:

Spoken like a true -- the place is really beaten up. And I really think we have an asset there. And I think, in the long run, the -- a Capital Program that's going to bring the College up to par in the long run I think will service -- not only service the kids that use this and the adults that use this Community College, but also serve the taxpayer eventually, because that will come back to us.

LEG. FOLEY:

Very good.

D.P.O. CARACAPPA:

Call the question.

LEG. FOLEY:

Very good.

LEG. FOLEY:

Call the question, Madam Chair.

P.O. POSTAL:

Okay. We have, Henry, motion to -- do we have a motion to approve and a second.

MR. BARTON:

Yes.

P.O. POSTAL:

Okay. Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not Present)

LEG. FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Pass.

LEG. BINDER:

Yes.

LEG. TONNA:

Pass.

LEG. COOPER:

(Not Present)

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

LEG. BISHOP:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

LEG. FOLEY:

Thank you.

P.O. POSTAL:

1057 is approved. Did everybody receive copies of the CN's?

(Affirmative response)

P.O. POSTAL:

Okay.

LEG. CARPENTER:

In the packet.

P.O. POSTAL:

Oh, I'm the only one who didn't. I think we're going to turn to the CN's, because we did skip over --

LEG. FISHER:

What about 1086, the last on that page?

P.O. POSTAL:

Yeah, I know, but we --

LEG. FOLEY:

We have 1086 and --

P.O. POSTAL:

We skipped over -- yeah. We skipped over 1049 on which we have a CN, and that's the reason I'm suggesting that we go to the CN's, just so we don't inadvertently omit something.

LEG. FOLEY:

We also have 1039 that was reported out of committee a little while ago for the Sayville Ferry Service. I don't know whether you want to --

P.O. POSTAL:

Okay.

LEG. FOLEY:

If you're going to do things in --

P.O. POSTAL:

We'll get to Public Works.

LEG. FOLEY:

If you're going to do things in numerical order, or are you going to wait for the committee to do this?

P.O. POSTAL:

Yeah. We're going to get Todd Johnson in here, who can present the CN's to us.

LEG. CARPENTER:

In the meantime, you want to do 1039?

P.O. POSTAL:

Yeah. We're -- 1039 was --

LEG. FOLEY:

Motion to approve 1039.

LEG. CARPENTER:

Second.

P.O. POSTAL:

Okay.

LEG. CARPENTER:

Second.

LEG. FOLEY:

We closed the public hearing.

P.O. POSTAL:

I think we'll just wait a couple of minutes for Todd to get here.

LEG. BISHOP:

What are we doing, the CN's?

P.O. POSTAL:

Yeah.

LEG. FOLEY:

Motion to approve 1039, Madam Chair.

P.O. POSTAL:

Well, let's just --

LEG. GULDI:

The sponsor on 1049's here.

LEG. CARPENTER:

1039 is in front of anyone.

P.O. POSTAL:

Let's just wait for the -- and do the CN's.

LEG. CARPENTER:

It's the extension of the license for Sayville Ferries.

P.O. POSTAL:

Todd will be here momentarily. Yeah. The first CN is on **Introductory Resolution Number 1049, which is expanding the use of the War Veterans Building in Lindenhurst.** And I think while Todd travels to the auditorium, Legislator Bishop, if you would like to explain.

LEG. BISHOP:

This is about the seventy-fifth resolution on the same deal. The World War Veterans Club was built by World War I veterans upon their return to America and they established a club in Lindenhurst. Following World War II, they opened up membership to World War II veterans. Membership has never been opened up to any other group of veterans, so that the club members are now generally octogenarians who are thinking about what they'd like to do for posterity. What they determined was that they were willing to sell the club building and its real estate, which is probably a value of about \$300,000, to the County for \$50,000. But they do ask that they be allowed the six time a year that they have their meetings to use the building, and that's what this resolution accomplishes, it allows them to use the building.

LEG. CARACCILO:

Question.

P.O. POSTAL:

Okay. Question.

LEG. BISHOP:

And they want to close the deal by April 1st, because their insurance is due, and that's why it's a CN.

LEG. CARACCILO:

Do we have an appraisal on this building and property?

LEG. GULDI:

We already own this.

LEG. CARACCILO:

You said we own the building or that --

LEG. BISHOP:

No.

LEG. CARACCILO:

No, he didn't say that.

P.O. POSTAL:

No. What --

LEG. BISHOP:

It's a --

LEG. CARACCILO:

You said they believe it's worth \$300,000.

LEG. BISHOP:

It has -- yeah, easily.

LEG. CARACCILO:

Have we conducted an appraisal?

LEG. BISHOP:

I'm -- Yes, Real Estate has. I don't have the appraisal with me this evening. If you want --

LEG. CARACCILO:

All right. I'd like that information.

LEG. BISHOP:

Oh, for crying out loud. Michael, come to Lindenhurst, I'll show you the building. It's --

LEG. CARACCILO:

Well, I'd like the information before I vote on a resolution that's going to appropriate taxpayer dollars, given the repeated stories in the press about --

LEG. BISHOP:

Let me -- let me try to rehabilitate this.

LEG. CARACCILO:

-- our acquisition programs. I don't take it lightly, Dave.

LEG. BISHOP:

Legislator Caracciolo, I just want to point out that we have approved this numerous times. This just adjusted the terms that allows them to get into the building the six times a year. The deal is set to close. We've approved it, it has to be, at least a half a dozen other times.

LEG. CARACCILO:

Then there should be somebody in the Real Estate --

MR. SABATINO:

Maybe I could just interject and be helpful. In Year 1999, we funded the acquisition. In the Year 2000, we authorized the acquisition. In the Year 2001, we amended a portion of the acquisition because of the identification of a specific title on who the war veterans were. This resolution is dealing with the issue of the use of the property that's being acquired. This deals with the Veterans Museum and the memorabilia and the licensing agreement that's going to deal with the use. But the acquisition itself was something we did in the Year 2000, the funding for which we provided in 1999 for Fiscal Year 2000.

LEG. CARACCILO:

I appreciate that --

MR. SABATINO:

So your concerns, I mean, were raised and addressed at a previous time. This resolution is not the resolution to authorize the acquisition.

LEG. CARACCIOLO:

All right. Do you or the representative of the County Executive's Office recall what the appraised value for this property was and what we purchased it for?

MR. SABATINO:

I don't remember, to be honest with you.

LEG. CARACCIOLO:

Okay.

P.O. POSTAL:

As I recall, Mike, it was \$50,000 for the building. Now, I mean, I don't --

LEG. BISHOP:

The lot has got to be worth \$100,000.

P.O. POSTAL:

I don't think that you can find a building, at least in Western Suffolk, I don't know about Eastern Suffolk --

LEG. GULDI:

Will you suffer an interruption?

P.O. POSTAL:

Yes.

LEG. GULDI:

For those of us who haven't seen the building like yourself and Legislator Bishop, could you simply describe the size of the parcel, the nature of the structure, the size of the structure and

its relative condition, because I think that would go a long way in assuaging the concern that's been raised.

LEG. BISHOP:

It's seventy --

P.O. POSTAL:

I don't think your mike's on.

LEG. BISHOP:

It's approximately 75 by 100, and it's a building that looks exactly like a church, a little church.

LEG. FISHER:

Where is it located, in which --

LEG. BISHOP:

Two stories. The building is going to be turned over to the Town of Babylon, which is going to establish a Veterans Museum at the site.

LEG. CARACCILO:

That raises another question.

LEG. BISHOP:

All right. Just call the vote.

LEG. CARACCILO:

So the County purchased this building and we're now turning it over to the Town.

P.O. POSTAL:

Right.

LEG. CARACCILO:

Okay. That's another element that has just been added that no one would have known about had we paused to get some information about this resolution.

P.O. POSTAL:

Well, they're going to maintain it, Mike. You know, this is --

LEG. CARACCILO:

I understand, but it was purchased by --

P.O. POSTAL:

Part of this was we were not interested in maintaining this building.

LEG. CARACCILO:

Who is not?

P.O. POSTAL:

We, the County, was not interested in maintaining and doing whatever repairs might be necessary on this building. And, you know, we addressed this before. This actually was something that we reached a decision on before, and this resolution has nothing to do with that decision. So we made a decision. This is just with regard to moving --

MR. SABATINO:

Yeah. Just --

P.O. POSTAL:

Go ahead.

MR. SABATINO:

What had happened was, at a previous time, the acquisition was authorized. Presiding Officer is correct, coming back, it was \$50,000 that was put in the budget. I don't know what the appraised value was, that's the element I couldn't respond to. Then the resolution that was previously adopted had also authorized the transfer to the Town of Babylon. At that time, what the veterans organization had proposed was that it be used for two things, one, as the veterans club itself for club use, and also as a cultural arts center. Apparently, they came back and asked to modify the nature of that use, so now it's going to make specific reference to memorabilia depicting the contributions of members of the particular club and how it related to, you know, to all of their activities, and it eliminated the cultural arts component. So this legislation is dealing

with the issue of the use of the property, not with the underlying question of who's going to hold title and who's going to pay for it.

LEG. CARACCILO:

Very good.

P.O. POSTAL:

Okay. We have a motion and a second, I believe.

LEG. GULDI:

Not yet.

P.O. POSTAL:

Not yet? I thought David.

LEG. BISHOP:

Motion.

P.O. POSTAL:

Second.

LEG. CARPENTER:

Second.

P.O. POSTAL:

Okay. Legislator Carpenter seconds. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: Legs. Towle and Haley)

P.O. POSTAL:

Okay. 1049 is approved. Thank you. Todd, would you like to -- okay. Okay. The last resolution on Page 7 is **1086-Enacting Long Island's alternative funding plan for the State take-over of Medicaid**. I'm going to make a motion to table that.

LEG. FISHER:

Second.

P.O. POSTAL:

Second by Legislator Fisher. All in favor?

LEG. CARPENTER:

Are you tabling?

LEG. GULDI:

1086 on the agenda.

P.O. POSTAL:

1086.

MR. BARTON:

16, 2 not present. (Not Present: Legs. Towle and Haley)

P.O. POSTAL:

1086 is tabled. Todd, do you want to go through the CN's and then we'll continue with the rest of the agenda?

MR. JOHNSON:

Sure, sure. We have a number of CN's today. In no particular order, I'll just run through what I have here. There is a CN from the District Attorney's Office, has requested a creation of positions.

LEG. FISHER:

What's the number?

MR. JOHNSON:

I believe it's 10 --

P.O. POSTAL:

Could you do them in numerical order? It's easier for us.

MR. JOHNSON:

Okay.

P.O. POSTAL:

1194, 1197, 1198, because there are quite a few, 1205.

MR. JOHNSON:

I have the originals. I don't have the items with the resolution numbers on them.

P.O. POSTAL:

Oh, you don't have the CN numbers?

MR. JOHNSON:

Yeah.

MS. BURKHARDT:

Here they are. Here they come.

LEG. GULDI:

You want a set with the numbers, take mine.

MR. JOHNSON:

Sure.

LEG. FISHER:

We'll give you Marty's.

LEG. GULDI:

Give him Marty's. He's going to leave them here in Riverhead.

MR. JOHNSON:

Okay. 1049 has been taken care of. **1194 (Amending the 2003 adopted Operating Budget in connection with the addition of fifteen positions for the Suffolk Health Plan in relation to marketing services)**, this is the addition of 15 positions in the Suffolk Health Plan.

I believe that the Health Department made a presentation at the Health, Education and Youth Committee. What they're trying to do here is instead of acquiring these marketing services, which are necessary, according to the contract that the Health Department has with the State, they have to conduct a marketing program. Instead of going out and hiring a consultant, which was estimated to cost about one million dollars or so, they've constructed a plan whereby they're going to be able to take care of these marketing services in-house through hiring 15 positions for half the cost. So I believe --

P.O. POSTAL:

Legislator Foley, motion?

LEG. CARPENTER:

I have a question

P.O. POSTAL:

Oh, okay. Well, let's just get a motion and a second.

LEG. FOLEY:

I'll strongly -- I'll make a motion to strongly approve this particular resolution.

LEG. FISHER:

Second.

LEG. FOLEY:

Extremely important.

P.O. POSTAL:

Seconded by Legislator Fisher. A question --

LEG. FOLEY:

Strongly approve.

P.O. POSTAL:

-- by Legislator Carpenter.

LEG. BISHOP:

Is that a motion? Is that a motion available to us?

LEG. FOLEY:

Motion to approve.

LEG. CRECCA:

What if want to like moderately approve it.

LEG. FISHER:

And a powerful second.

LEG. CRECCA:

Yeah, right.

LEG. BISHOP:

A powerful second.

LEG. CARPENTER:

Do we have a contract in place now where marketing is being done for this?

MR. JOHNSON:

No. I believe that's exactly what this is trying to avoid.

LEG. CARPENTER:

And have they put together some sort of plan to market, or are these 15 positions, are some of them going to have some marketing background or experience?

MR. JOHNSON:

Yeah. I believe that they do have a marketing plan as far as a target and a model plan to follow through for marketing. I don't think that they've fully designed the marketing plan yet, though. They're transitioning right now from hire -- from plans to hire a consultant to now doing it in-house, so I don't think the plans have been finalized.

LEG. CARPENTER:

So, they're hiring 15 neighborhood aides, is what we're giving them authorization for.

MR. JOHNSON:

Right. What happened is, because they didn't have this plan in last year, what's being threatened is a change in the reimbursement rate that the State charges. If this marketing plan is not in place, we will be receiving a lower amount of reimbursement for our -- the health expense that we have in this area.

LEG. FOLEY:

So, Madam Chair, if I might.

LEG. CARPENTER:

I don't --

LEG. FOLEY:

Oh.

LEG. CARPENTER:

I don't have a problem supporting this by any means, but it seems to me, if we have to demonstrate that we have a marketing plan in place not to jeopardize our reimbursement, that just going ahead and authorizing 15 neighborhood aide positions isn't really going to cut it. I mean, you're really going to have someone who has some sort of expertise to know how to maximize these positions, so that you can --

(The Presiding Officer Banged the Gavel)

P.O. POSTAL:

No, not you. Everybody's talking, that's all.

LEG. CARPENTER:

Yeah, thank you.

P.O. POSTAL:

I would just like some quiet.

LEG. CARPENTER:

That, you know, they're going to be used effectively and efficiently, and that we really are going to be doing the necessary marketing.

MR. JOHNSON:

I could ask the Health Department to follow that up with you with regard to the status of the marketing plan.

LEG. FOLEY:

Madam Chair, it's an point well taken.

P.O. POSTAL:

Legislator Foley.

LEG. FOLEY:

It's a point well taken by Legislator Carpenter. And at our next Health Committee, we can have the Health Department give us a presentation on the marketing plan that -- as it's been so far developed. But this would be the best of both worlds. This will enable more people to access health care, which we know is very important. And, secondly, it would also bring additional revenues to the County. So, in both ways, it's going to be very helpful to the Health Department to carry out its mission.

MR. JOHNSON:

I didn't have information about a fully developed plan, but there may very well be, and I'll have the Health Department contact you about that.

P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Todd, in my conversations with Janet DeMarzo, because this is something that Social Services deals with as well, which is enrollee -- enrollee facilitators, I think they're called, from the State, and I think that the State had been pushing for the County to get more people enrolled in a timely manner.

MR. JOHNSON:

Yes.

LEG. FISHER:

And so I believe that the actual plan, to my understanding, is something that's set by the State and passed down, and we have the implementation of it. But I think we will explore it further in the Health Committee.

MR. JOHNSON:

Yeah, that's what I said. I think there was a model that -- of a marketing plan.

LEG. FISHER:

Yeah, I think there's a State model, and that we have to -- we have to go forward with something like this, otherwise we do -- we could face some sanctioning issues on the State level, so we really have to move forward with this.

P.O. POSTAL:

Legislator Haley.

LEG. FISHER:

And that's why there was a mighty and a powerful --

LEG. FOLEY:

Yes.

LEG. FISHER:

-- motion here.

LEG. HALEY:

I'll pass.

LEG. FOLEY:

Very good, very good.

P.O. POSTAL:

Okay. Todd, you know, I'm sure that these additional neighborhood aide positions will free our current neighborhood aides to go back to doing what they were supposed to do with regard to patient outreach?

MR. JOHNSON:

My discussions on this were solely directed at following through with the marketing planning. We did not talk about a redeployment. I don't recall if that came up in the Health Committee.

LEG. FISHER:

I don't know if it came up.

LEG. FOLEY:

I'll be sure to bring it up next time.

P.O. POSTAL:

Thank you. Okay. Do we -- well, I think we have very -- we have a very powerful motion to approve by Legislator Foley, seconded by, I think it was Legislator Haley, was it, or Fisher? I thought it was Fisher.

LEG. HALEY:

Fisher. Doesn't matter.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

Okay. 1194 is approved. **1197 (Accepting and appropriating an amendment to the College Budget for a grant award from the State University of New York for a Bridge Program 2002 100% reimbursed by Federal funds at Suffolk County Community College).**

MR. JOHNSON:

1197 is a 100% reimbursed grant for the College.

LEG. FISHER:

Motion.

LEG. FOLEY:

Second.

LEG. ALDEN:

Second.

P.O. POSTAL:

Motion, Legislator Fisher, seconded by --

LEG. ALDEN:

Second.

P.O. POSTAL:

Legislator Alden. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

Approved. **1198 (Authorizing use of Indian Island County Park by March of Dimes, Walk America for their annual Walk-A-Thon).**

MR. JOHNSON:

1198, I think that Denise Speizio from the Parks Department came up and spoke before with regard to authorizing use of Indian Island Park for the March of Dimes.

P.O. POSTAL:

Motion by Legislator Fields. Was that a second by Crecca? All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

1198 is approved.

MR. JOHNSON:

Thank you.

P.O. POSTAL:

1205 - To amend honest Integrated Financial Management System Budget Practice Policy.

LEG. CRECCA:

Madam Chair, if I may.

P.O. POSTAL:

Yes.

LEG. CRECCA:

This was -- we had instituted changes in January on the IFMS System for RB, TB and EB transfers.

P.O. POSTAL:

Right.

LEG. CRECCA:

And I said that down the line there would be an amendment coming. After meeting with the Comptroller, the Budget Director of Budget Review, and having the Ernst and Young audit, we have come up -- and the Treasurer also, these are some those changes to it. And what it does is those transfers will still be reported in the IFMS System, but they won't need the Comptroller's approval if they're \$10,000 or under. And that all parties are in agreement, this will help government run more efficiently and quicker, and there will be a monthly report to the Comptroller we'll see of all transactions, including those under \$10,000.

P.O. POSTAL:

So, can I assume you're making a motion to approve this?

LEG. CRECCA:

Yes.

LEG. FISHER:

Second.

P.O. POSTAL:

Second by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

1205 is approved. **1208-Designating second week in March "Uninsured Week".**

LEG. FISHER:

Motion.

P.O. POSTAL:

Motion, Legislator Fisher.

LEG. FOLEY:

Second.

P.O. POSTAL:

Seconded by Legislator Foley.

LEG. FISHER:

Actually, I'd like -- I'd like to thank Todd for doing this, because SILO came to our Human Services Committee and requested this, and so we needed a CN in order for it to be during the right week, so . . .

P.O. POSTAL:

Okay. We have a motion and a second. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

1208 is approved. **1211-Amending prior capital authorized appropriations and transferring funds from Multipurpose Health Technology Classroom Facility - (Planning (CP 2188.110) to Multipurpose Health Technology Classroom Facility - Construction (CP 2188.310).**

LEG. HALEY:

Motion.

P.O. POSTAL:

Motion --

LEG. CARACCILOLO:

Explanation.

LEG. CARPENTER:

Explanation.

P.O. POSTAL:

-- Legislator Haley, second by Legislator -- was that Caracciolo?

LEG. CARACCILOLO:

No, no.

P.O. POSTAL:

No.

LEG. CARACCILOLO:

I said explanation.

LEG. FISHER:

I'll second it.

P.O. POSTAL:

Legislator Fisher. Explanation?

MR. JOHNSON:

Actually, I think Paul Cooper is here and can probably give you more information than I can on this.

MR. COOPER:

The County separates the construction funds into planning and design and appropriates money into each. In this building, this sports complex, planning has been complete. There will be no expenditures in planning. The money is needed to pay the construction side.

LEG. CARACCILO:

This is the new Multipurpose --

MR. COOPER:

Yes.

LEG. CARACCILO:

What was the total construction cost for that? What was the initial projected cost and what was the ultimate cost?

MR. COOPER:

I don't know the initial projection cost, it was before I started, but the ultimate cost was approximately 54 million.

LEG. CARACCILO:

Fred, do you recall what the original projected cost for that facility was?

MR. POLLERT:

Actually, the building did come in on budget, so what was originally forecast was, I believe, 54 million dollars.

LEG. CARACCILO:

So it came in on budget.

MR. POLLERT:

It came in on budget and it --

LEG. CARACCILO:

Well, there's a first.

MR. POLLERT:

And it came in on time.

LEG. HALEY:

I have a question.

P.O. POSTAL:

Wow. That's occasion for celebration.

LEG. CARACCILO:

Well, I guess, if you inflate the cost to begin with, it will come in on budget. Okay.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

Do we have a project labor agreement on this one?

P.O. POSTAL:

Can we have some --

MR. COOPER

Yes, we did.

P.O. POSTAL:

-- quiet, please.

LEG. HALEY:

We had a project labor agreement on this, too, right?

MR. POLLERT:

Yes, we did.

LEG. CARPENTER:

Yes.

LEG. HALEY:

Thank you.

P.O. POSTAL:

Okay. We have a motion and a second. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

1211 is approved. A vote for coming in on budget. **1212-Transferring monies in the Department of Health Services (2002 Adopted Budget to cover 2002 expenditures for the Bureau of Services for Children with Special Needs, Early Intervention Program).** Motion by Legislator Foley?

LEG. FOLEY:

For the purposes of explanation, yes.

LEG. FISHER:

I'll second it.

P.O. POSTAL:

Seconded by Legislator Fisher. Todd?

MR. JOHNSON:

Yeah. This is pretty much a housekeeping resolution. What we're trying to do is make sure that the accounts that should be charge from the 2002 budget are charged. You can see, we're just really crediting or charging their accounts. Physically handicapped programs and fees for services, they have monies that should have been charged from Early Intervention Program that are just being put in the correct accounts.

LEG. FOLEY:

And why is there a need for a CN, as opposed to have it go through committee?

MR. JOHNSON:

Well, what happens is we're getting down to the end of the year when Audit and Control is about to close the books and we'd like to close the books for 2002, and to do that, we'd like to have the right numbers in the right place.

LEG. CARACCILO:

Good answer.

P.O. POSTAL:

Any other questions?

LEG. CARACCILO:

Good answer.

LEG. FOLEY:

From the Budget Review Office, does this raise any questions, just because we're looking at a transfer of 1.8 million dollars. That's a sizable --

LEG. GULDI:

Two million.

LEG. FISHER:

Two million.

LEG. FOLEY:

Well, that's the total transfer. Okay. So we're two million --

MR. POLLERT:

Generally, this is not done. Generally, what happens is --

LEG. FOLEY:

Right, I didn't think so.

MR. POLLERT:

-- that the Comptroller's Office just does whatever transfers are required. Generally, at the end of the year, there's a housekeeping resolution --

LEG. FOLEY:

Yes.

MR. POLLERT:

-- which authorizes the Comptroller's Office to make all the necessary transfer.

LEG. FOLEY:

Yeah, before the end the calendar year.

MR. POLLERT:

Right.

LEG. FOLEY:

Right.

MR. POLLERT:

I believe the County Executive's Office, rather than granting that blanket authority to the Comptroller's Office this year, specifically identified line items for him to transfer funds between, as opposed to giving him the blanket authorization. So it's unusual to have this type of resolution, and I think it flows from the fact that the Comptroller was not given blanket authorization that he had been in previous years.

P.O. POSTAL:

Any other?

LEG. FOLEY:

Fred, do you think that we should have this go through committee, so there can be a little more scrutiny by your staff, or we can pass this tonight?

MR. POLLERT:

Clearly, the numbers are going to be whatever the numbers are. If there's a surplus in some accounts and shortfalls in others, this just would expedite the process, so that the payments could be made in a timely fashion. Even if it's not adopted when the auditors close the books, it's all going to wash out. What this would do is it would just expedite the process.

LEG. GULDI:

It won't affect the audit either.

LEG. FOLEY:

Okay. All right. Thank you.

MR. KNAPPE:

One thing I wanted to point out with the resolution, normally, transfers within departments are made within the department, the Budget Office, and now Department of Audit and Control. But because the available appropriations that we're dealing with, it's a large sum of money in this account, it exceeds the Charter Law of the 10% or over \$100,000, and that is why you see the resolution in front of you, in front of you today.

LEG. GULDI:

All right, we'll be nice.

P.O. POSTAL:

Okay. We have a motion and a second, Henry?

MR. BARTON:

Yes.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle).

P.O. POSTAL:

Okay. **1213-Accepting and appropriating excess sales and compensating use tax in compliance with Local Law 35-1999.**

LEG. HALEY:

Motion.

P.O. POSTAL:

Todd.

LEG. HALEY:

Motion.

P.O. POSTAL:

What faith. Motion by Legislator Haley, second -- I'll second it.

MR. JOHNSON:

You might recall that we had a resolution not too long ago, which recognized that there were additional funds which were received with regard to the hotel/motel tax, and we wanted to make sure that it was charged back to the correct accounts. This is exactly a very similar proposition here. We're just trying to make sure that the actual receipts match the dollar amounts that were budgeted. So we have the adopted budget here, the modified numbers, and we're trying to make sure that each account is properly credited.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Todd, there's -- I think with surplus or sales tax that comes in over and above the adopted amount, we have some resolutions that would put some of that into a tax stabilization account?

Has this done all that?

MR. KNAPPE:

Can I --

MR. JOHNSON:

Sure.

MR. KNAPPE:

The funding source for Fund 477 is the specific quarter cent money that was established to start December 1st, 19 -- December 1st, 2000, I believe. That is not a part of the general fund or the other sales tax receipts that the County receives that I think Legislator Haley sponsored a bill and had it passed several years ago, which transfers that money. This money is specifically earmarked to Fund 477 for that program. And within Fund 477, it is the programs of the -- transferred back to the General Fund and to the Assessment Stabilization Reserve Fund, as well as it stays within Fund 477 for the programs of Open Space, Farmland and the Water Quality Protection. So it is separate from the other sales tax revenue that has to be divvied up, if it does come in excess.

LEG. ALDEN:

But what is -- this, in effect, just raises the General Fund.

MR. KNAPPE:

No, it -- well, the law that is established, that was passed by referendum, dictates that based on percentages of the quarter cent that comes in 477, it has to be doled out to those three accounts, it has to be doled out to the General Fund, as well as Fund 404, as well as the three programs that are contained within Fund 477. That was passed by the referendum. So, basically, all this is doing, since sales tax came in above and beyond what was adopted, it's legally transferring the 32% that goes to the General Fund and the 35% and change that goes to.

Fund 404. It's complying with the law that was established in 1999.

LEG. ALDEN:

This is only for that quarter cent?

MR. KNAPPE:

That's all. I believe Budget Review and us are agreeing with the numbers as well.

LEG. ALDEN:

But it still raises the General Fund for that 35%, or whatever, that gets transferred into it, right, above and beyond --

MR. KNAPPE:

Which it would have to. It's an extra revenue in 2002 to the General Fund above and beyond what the Legislature and the County Executive estimated.

LEG. FOLEY:

Why the CN? Why not go through Budget?

P.O. POSTAL:

That's a good question, why do we have a CN on it?

MR. KNAPPE:

There's a CN because the Treasurer's Office is trying to properly journal voucher the accounts. A lot of these are all related to closing the financials at the end of 2002.

LEG. ALDEN:

I have one more question still.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Fred, when -- have you taken this into consideration, as far as for the close-out of 2002?

MR. POLLERT:

Yes, we have. In fact, these are the Budget Review Office numbers that are included in the resolution. Specifically, the reason that the resolution is required is that the controls built into the IFMS System are working in this area. There is a subroutine that prohibits the Treasurer from transferring more money than shown in the adopted budget, but sales taxes came in

higher than the adopted budget, so this resolution will enable them to, in fact, post the additional sales tax revenues to the proper accounts, and it's all due to the fact that the controls in the IFMS System are working properly.

LEG. ALDEN:

Okay. But one of them is to the 35% that goes to the Operating Budget? Is that going to show as I surplus?

MR. POLLERT:

Yes, it will.

LEG. ALDEN:

Okay good. Thanks.

P.O. POSTAL:

Legislator Foley, did you have a question?

LEG. FOLEY:

(Shook head no).

P.O. POSTAL:

Okay. We have a motion and a second.

MR. SABATINO:

Just to clarify with Budget Review, it only makes reference to two out of five components. Why are the other components not mentioned, because it gets spread across all of the funds.

MR. POLLERT:

Because -- right. Just because they can post the revenue to the General Fund, they can't move it from the General Fund to the Water Quality Protection Fund without the authorization, because of the hard-wiring of the IFMS System.

MR. SABATINO:

I know that, but I just want to make sure that the other -- the other components aren't being shortchanged from the --

MR. POLLERT:

No, no.

MR. SABATINO:

Okay.

MR. POLLERT:

All the other components are going to be recognized.

MR. SABATINO:

Okay.

P.O. POSTAL:

Okay. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

1213 is approved. **1215 (Amending the 2003 Operating Budget, Amending the Classification and Salary Plan and authorizing the creation of new positions in the District Attorney's Office).** Todd. I'll make a motion to approve.

LEG. GULDI:

Second.

P.O. POSTAL:

Seconded by Legislator Guldi.

LEG. CRECCA:

On the motion.

P.O. POSTAL:

Yes. Would you like to have an explanation, anybody?

LEG. CRECCA:

Oh, I was going to ask, so --

P.O. POSTAL:

Okay. That's -- well, he's ready to answer. Todd?

MR. JOHNSON:

Yes. This resolution would add four positions in the District Attorney's Office, and creating a new position of Assistant Special Investigator. The District Attorney has asked for this. He has been trying to cover the burgeoning caseload in the White Collar Crime area, and we have apportioned \$166,000 from Fund 525 to fund the account.

LEG. CARACCILO:

Question.

LEG. CRECCA:

This was -- did we change the offset on this, I guess?

P.O. POSTAL:

Yes, we did.

LEG. CRECCA:

Okay. And where is it -- it's coming out of 525?

P.O. POSTAL:

Yeah.

LEG. CRECCA:

The amount that's here, is that just enough to cover the salaries for the -- until the end of the year?

MR. JOHNSON:

Yes.

LEG. CRECCA:

And -- okay. That's all.

LEG. CARACCILOLO:

Question.

P.O. POSTAL:

Legislator Cooper, did --

LEG. COOPER:

No.

P.O. POSTAL:

I'm sorry.

LEG. CARACCILOLO:

Maxine.

P.O. POSTAL:

Legislator Nowick.

LEG. CARACCILOLO:

On that side.

LEG. CRECCA:

And Michael's over there, too.

LEG. NOWICK:

Just so I read this correctly, what is the fiscal impact from now until the end of the year, is it the 166 twice, or \$166,000, and then next year it's double?

LEG. FISHER:

No, no, no, it's going --

LEG. NOWICK:

That's what I'm trying to understand. Is it --

MR. KNAPPE:

The fiscal impact for 2003 is 166,000 based on if the District Attorney's Office hires the four positions, fills the four positions at the next available payroll. The 2004 fiscal impact, depending if the individuals that are hired are still on board in 2004 will be based on whatever the schedules for the bargaining units that these positions are involved in, what they dictate for 2004.

LEG. NOWICK:

Well, you say if they're still on board. Is this -- is this supposed to be just a one-year thing?

MR. KNAPPE:

No.

LEG. NOWICK:

Oh.

MR. KNAPPE:

I think it's a continuous -- continuous program that the District Attorney's Office wants to address. The 166,000 represents funding for about 20.8 payrolls out of 26 payrolls for the year, so --

LEG. NOWICK:

Okay.

MR. KNAPPE:

-- you can just extrapolate that, or if --

LEG. NOWICK:

Right. And what is this special unit going to do? It's to be the White -- investigating White Collar crimes?

MR. KNAPPE:

White Collar crimes, that's correct. I think the District Attorney's Office might address that in committee. I'm not positive, though, on that.

LEG. NOWICK:

Does the District Attorney feel that he can -- that by prosecuting these crimes, that we would possibly make revenue in the court system or --

MR. KNAPPE:

That I'm not 100% sure of. I don't know if that was addressed in the committee process or not.

P.O. POSTAL:

It's my information these positions are positions which are necessary to -- first of all, the District Attorney's investigation of the Employee Medical Health Plan, which is underway, and also, in the investigations and the prosecutions of some of the things that we've read about in the paper, like the insurance fraud cases. So he -- these are specifically, I guess, targeted to working on those two issues, so I don't know if that's helpful. But I think -- I know -- Legislator Caracciolo.

LEG. CARACCIOLO:

Thank you. From the outset, let me say that I support every effort to provide the District Attorney with the staff levels he needs to carry out the mandate he has under the law. The questions I have relate back to -- Legislator Nowick I think touched the issue that I have a concern about. This is a supplemental appropriation for this year. When you look at the four salaried positions, break them down for me what the pay grades are for each position, because you're supplementing money that's already in the D.A.'s budget. What's the total cost on an annualized basis for these four positions, if they were not being partially funded already, out of existing funds?

MR. KNAPPE:

They're not being partially funded out of existing funds. The 166,000 and change is to fund the positions at 100% for the remainder of 2003.

LEG. CARACCIOLO:

That's salary and benefits?

MR. KNAPPE:

It's not benefits, it's just salary. Benefits are included within the General Fund right now. We are projecting that we'll be coming right in line with what is available in the adopted budget, including these positions.

LEG. CARACCILO:

All right. For next year --

MR. KNAPPE:

So there was no needed increase in that -- in those accounts.

LEG. CARACCILO:

For next year, then, to continue these positions, what would be the annualized cost? I know you said about the contracts and employee bargaining agreements. All things being equal, no changes in salary schedules, what would it be on an annualized basis, because it's prorated right now.

MR. KNAPPE:

Without having a calculator or a spread sheet in front me right now, I'd say it would be right around 200,000.

LEG. CARACCILO:

Okay. And when you factor in benefits, how much is it?

MR. KNAPPE:

Probably about 240 to 250,000 total.

LEG. CARACCILO:

That includes the new pension contribution rate that we'll be paying for County employees?

MR. KNAPPE:

The numbers that we're using right now, that's the best guess that I have.

LEG. CARACCILO:

Okay. Thanks.

P.O. POSTAL:

Okay. We have a motion and a second. It seems to me half the Legislators are out of the room.

LEG. ALDEN:

I would ask that --

P.O. POSTAL:

Can we get everybody back in here?

LEG. ALDEN:

Madam Presiding Officer.

P.O. POSTAL:

Yes.

LEG. ALDEN:

I would -- Cameron, right here. I would just ask for a one-minute hold on the vote on this for Legislator Carpenter.

P.O. POSTAL:

Okay.

LEG. FIELDS:

Todd, do you know off hand --

LEG. FISHER:

Can we do a roll call? That will take time.

P.O. POSTAL:

Well, we have a question.

LEG. FIELDS:

Do you know off hand if --

LEG. FISHER:

Motion and a question.

LEG. FIELDS:

-- if the District Attorney already has the personnel that he's ready to hire for these positions, or does it have to --

MR. JOHNSON:

No. I know that he called and contacted and said that he needed the positions and he wanted to fill them as soon as possible. I don't know if he has them lined up or not.

LEG. FIELDS:

And you don't know how long that period is between when he gets the go-ahead to hire and when he might be able to fill the positions?

MR. JOHNSON:

A definite specific time, no, I couldn't tell you that.

P.O. POSTAL:

I'm under the impression that he intends to do that immediately.

MR. JOHNSON:

Yeah.

P.O. POSTAL:

He lost quite a few staff people due to the early retirement Incentive Program. That was something that he brought to the attention of the Public Safety Committee. And he had asked us, as a matter of fact, at that time for some additional positions, so that he can continue doing what he's doing. So, you know, I think this is -- he anticipates filling these right away.

LEG. FIELDS:

Did they come from another Suffolk County agency, or are they from the outside in?

MR. JOHNSON:

As I said, as far as -- you're asking me about the specific people in mind?

LEG. FIELDS:

Well, generally. Or maybe you might not answer that.

MR. JOHNSON:

Yeah.

LEG. FIELDS:

But does anyone else know that?

MR. JOHNSON:

I think it was discussed in committee. Bob Kearon I think did make a presentation.

P.O. POSTAL:

I have the feeling that the auditors would be completely new employees. And I also have the impression that the Assistant Special Investigators are currently on staff in a different title.

MR. JOHNSON:

That may be.

P.O. POSTAL:

So that's -- that's why I don't think there's going to be any delay in filling the Assistant Special Investigators positions. I would imagine that while the auditors are not on staff, the District Attorney is going to be working to fill those right away. And the individuals who had been on staff who are going to fill the Assistant Special Investigators positions are those people who have been doing the EMHP investigation and the White Collar crimes, such as the insurance fraud --

MR. JOHNSON:

Yeah.

P.O. POSTAL:

So that they're going to continue with that.

LEG. FIELDS:

So I guess my question is that, if you're taking them from one department and moving them into the other, what happens to the department that you move them from? Do you have to then higher new people to fill those --

P.O. POSTAL:

There's no money for that. I spoke with -- D.A. Spota felt that these were things that he needed. What he said to me was he lost quite a few positions due to the early retirement incentive. I think he lost something like nine positions due to the early retirement incentive, eight or nine. And while he would love to have those positions, which we did put in the budget, but we didn't fund, as I understand, he would settle for just this. And he understands that we're in very desperate fiscal times, and so he's trying to be as accommodating as he can while still pursuing his mission.

LEG. ALDEN:

I have one question, too.

P.O. POSTAL:

Legislator Alden, followed by Legislator Nowick.

LEG. ALDEN:

I don't think I expect the answer to this tonight, but it's been raised a number of times about the early retirement system. Do we have a full analysis of, number one, the effects of the early retirement, so how many people retired, how many people were backfilled, the cost involved on both of those ends? But, also, the -- it seems like that there's been a toll on the remaining employees from the early retirement system, so that it seems like even in the D.A.'s Office, there's a strain on those that have -- you know, have remained because of the early retirement. And I think it's going to be important to us to see all that information, because this year there's a possibility that another early retirement system could be passed by New York State, or in the event that they do it next year, I really would like to see, you know, some of the data on that, if we could compile it.

MR. JOHNSON:

I think that some departments had come back and had been asked for that information and had made reports to several different committees about the impact, with some specific data, I

thought.

LEG. ALDEN:

Because, from what I see, and, you know, I don't sit on all the committees, but the committees that I do sit on, every department head or Commissioner has come in and asked us for backfill and for, you know new positions, more positions, and things like that. So I think those are some of the things that we have to take into consideration the next time we consider an early retirement system or an early retirement incentive.

P.O. POSTAL:

Well, I would just suggest that maybe the Chair of Ways and Means could at some time prior to the introduction of the bill to offer the early retirement incentive discuss the methods of making determinations on the part of the County Executive's Office and the parameters. We had discussed last year some, I guess, management issues that we felt were not fully explored, like a survey of how many employees might be interested and which employees might be interested, and then a targeted incentive, so that we wouldn't end up with a tremendous number of employees in high priority positions taking the incentive. So I think it's important to assume that there may be an incentive offered this year, and if it is, to establish a strategy for opting in, or before we opt in. So I would ask the Chair if he would keep that in mind as we move through the year. Are there any other questions? Legislator Nowick?

LEG. NOWICK:

Yeah. Just so I understand, these positions are going to be, in essence, filling the positions created by -- from the early retirement. So in 2002 --

MR. JOHNSON:

The way I understand it is this -- these positions are going to be part of the D.A.'s effort to combat White Collar crime. This is a new area where he feels he needs new positions.

LEG. NOWICK:

But he needs these positions, because he lost positions from 2000 -- from the early retirement?

MR. JOHNSON:

My understanding is he needs the positions because they're going to be performing specific duties, which these new titles are going to reflect, and I believe that the Assistant Special

Investigator, as a matter of fact, is a new position that he's going to be looking for.

LEG. NOWICK:

That's a new position being created, so that had nothing to do with the early retirement.

MR. JOHNSON:

Right.

P.O. POSTAL:

No. But it was just -- if I could.

LEG. NOWICK:

Yeah, please. I just --

P.O. POSTAL:

It was just that his office lost staffing positions. So while these are not the same titles that were lost due to the early retirement --

LEG. NOWICK:

Yeah.

P.O. POSTAL:

-- it's still a loss of personnel. Nassau County has 16 Auditor positions in the District Attorney's Office, we have two.

LEG. NOWICK:

I'm just concerned about \$250,000 in --

LEG. FOLEY:

You're going to get that back in spades.

LEG. NOWICK:

-- you know, this particular time, that's --

P.O. POSTAL:

Okay. I think we have a motion and a second, right, Henry?

MR. BARTON:

Yes.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Legislator Towle)

P.O. POSTAL:

1215 is approved. Next. **1216, approving acquisition under Suffolk County Multifaceted Land Preservation Program (Hilaire Drive Property) Town of Huntington).** This was a resolution that had been vetoed by the County Executive, and I believe that the resolution that is before you is a resolution that everyone is agreeing is a satisfactory resolution, because I believe that the funding comes from a different funding stream; am I right, Legislator Cooper?

LEG. COOPER:

Yeah. If I may. The original resolution was approved overwhelmingly at the last meeting, a vote of 15 to 2. Tom Isles was in support, Chris Costigan, Open Space Committee. The County Executive felt that an inappropriate funding source was specified. Since part of the purpose of the acquisition was to create a hiking -- was to create a hiking trail, and his position was that that's not active parkland, that's more appropriate for passive parkland, so this CN creates a new funding source.

LEG. ALDEN:

On the motion.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Somebody, correct me if I'm wrong, but this is for a parking lot, right? This property is going to be used as a parking lot, Todd?

MR. JOHNSON:

I think it's a jumping-off point for the historic hiking trail. I think there may have been some area --

LEG. COOPER:

Right. There are actually four lots. I believe that one for the four lots would be used as a parking area for the entire parkland that's been --

LEG. ALDEN:

This is -- Todd, this is the -- that property that there's a partial cliff on, or something along those lines?

MR. JOHNSON:

I believe Christine Costigan described it as a part where there is a level area, maybe a space for maybe four to six cars --

LEG. ALDEN:

Okay.

MR. JOHNSON:

-- cars, or something like that, and then there is some steep incline with regard to how it enters the rest of the acquired property.

P.O. POSTAL:

Okay. We have a motion and a second?

MR. BARTON:

(Shook head no)

P.O. POSTAL:

No. Motion by Legislator Cooper, second by myself. All in favor?

MR. BARTON:

Bond. Bond.

D.P.O. CARACAPPA:

Roll call.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. COOPER:

Yes.

LEG. POSTAL:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not Present)

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Abstain.

LEG. CARPENTER:

Abstain.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. CARACCIOLO:

Pardon me. Which --

LEG. CARACAPPA:

Hilaire Woods.

LEG. CARACCIOLO:

Oh, wait a minute. Whoa, whoa, whoa.

LEG. HALEY:

I was waiting.

LEG. FISHER:

It went by so fast.

LEG. FOLEY:

We're in a roll call.

LEG. CARACCIOLO:

I'm sorry. When you come back, I've got to change my vote.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yeah.

LEG. CARACAPPA:

Yes.

LEG. CARACCILO:

Change my vote to a no, please.

LEG. GULDI:

We almost had you, Mike.

MR. BARTON:

14-1-2-1. (Not Present: Leg. Towle)

P.O. POSTAL:

1216 is approved. That was the bond. Same second, same vote. Same motion, same second, same vote. Sorry about that.

MR. SABATINO:

And the Town data will be inserted.

P.O. POSTAL:

Okay. Okay. Now, we're going to continue with the agenda. Thank you, Todd.

LEG. CARPENTER:

Presiding Officer.

MR. JOHNSON:

Thank you for the opportunity to make these presentations.

LEG. CARPENTER:

Sayville Ferry, 1039.

P.O. POSTAL:

Oh, okay. We have -- we were going to do it, I think, when we got to Public Works. It's in order, just --

LEG. CARPENTER:

Oh, because it's not on the agenda, because it was discharged.

P.O. POSTAL:

This was the one that was discharged earlier.

LEG. CARPENTER:

Right, right.

P.O. POSTAL:

Yeah. We're just going to move through, and it's -- when we get to Public Works, we'll just address that, too.

ENVIRONMENT, LAND ACQUISITION & PLANNING

All right. We're moving to Page 8, Environment, Land Acquisition and Planning. **1917 (Authorizing planning steps for the acquisition of land under pay-as-you-go 1/4% Taxpayer Protection Program (Land on Granny Road, Town of Brookhaven)).** Approved 4-1-0-1. Motion by Legislator Fisher, seconded by Legislator Foley. All in favor?

LEG. CARACCILO:

On the motion.

P.O. POSTAL:

On the motion.

LEG. CARACCILOLO:

Is there anyone here from the Planning or Real Estate Departments?

P.O. POSTAL:

Is there anyone here from Planning or Real Estate? 1917, maybe. I don't know if --

LEG. FOLEY:

Yeah.

LEG. FISHER:

It's planning steps.

P.O. POSTAL:

-- our staff could answer a question you might have, or any Legislators who are on the committee.

LEG. FOLEY:

I'm not a member of the committee, but I had attended and spoken in favor of this at the committee meeting.

P.O. POSTAL:

All right. Go ahead, Legislator Foley.

LEG. FOLEY:

And there was --

LEG. CARACCILOLO:

No. I'm the Vice Chairman of the Committee, I know --

P.O. POSTAL:

Oh.

LEG. FOLEY:

Well, then you heard -- Mike, then you had to hear all the discussion in committee as to --

LEG. CARACCILOLO:

Yeah. The issue I have with this acquisition relates to the Town of Brookhaven granting or transferring, if you will, development credits from a parcel that they will, or if they haven't already, receive from the developer, a golf course in Rocky Point, for increased density on this property in Medford. And in the course of doing so, the burden now falls on County taxpayers --

LEG. BISHOP:

On the motion, if I can address that.

LEG. CARACCILOLO:

-- to pay --

LEG. BISHOP:

We addressed that in committee.

LEG. CARACCILOLO:

To pay the developer, if this resolution moves forward, for the additional density and value of the Medford property, which could be into the millions of dollars. I don't think that's a good deal for the County of Suffolk. The County doesn't receive any benefit from this. The Town inured the benefit by receiving a golf course. County taxpayers received a check and the need to write a bigger check if we go forward and make this acquisition. On the merits.

LEG. FOLEY:

We're not acquiring it.

LEG. CARACCILOLO:

Well, it's planning steps, but you're spending taxpayers' money --

P.O. POSTAL:

Legislator Foley, let's not.

LEG. FOLEY:

I'm sorry.

LEG. CARACCILO:

All right. The fact is, Madam Chair, that this is not going to be, if it is ever acquired by the County, a cost effective acquisition. On the merits, the community and Open Space Council came up with a rating that is far in excess of what our Planning Department rated this property. So I just wanted to make sure all the members around the horseshoe have all the relevant facts, so you can make informed decisions.

Again, I'm going to say this. People can boast over the fact that they pick up the newspaper and they read about the Executive Branch, or a member of the Executive Branch, who exercised, perhaps at a minimum, poor discretion, others will decide whether it went beyond that, or they can hold themselves somewhat responsible. There is a check and balance system in government. This Legislative body has the responsibility to not just pro forma approve planning steps resolutions, especially when you're provided with information that should cast doubt in your mind as to whether or not it would be a good acquisition for County taxpayers.

So I just put that on the record, because this could add up to million dollars of dollars in additional costs as a result of the Town's actions.

P.O. POSTAL:

Well, I think that the Chair of the committee would like to respond. Legislator Bishop?

LEG. BISHOP:

I'd like to respond by first thanking Legislator Caracciolo for bringing this issue out, not only here today, but in committee. And it's exactly the type of issue that the Environment Committee has taken a very clear stand on, which is that we will not pay County tax dollars for discretionary decisions made at the Town level, which raise the value of the property. However, this is planning steps only, and planning steps allows us to gather information, and in that information-gathering process, Christine Costigan from Real Estate, the Director, has stated that she will, as part of the appraisal, obtain for us what the cost difference of that discretionary decision was. So the increased density that now is enjoyed by this property, we will get a value without the increased density and with the increased density, and it would be the position of the Environment Committee, at least, that the County taxpayer is not going to pay that difference, we're only going to pay for the original value before it received this increased density.

P.O. POSTAL:

Legislator --

LEG. BISHOP:

So, this is planning steps --

P.O. POSTAL:

Oh, I'm sorry.

LEG. BISHOP:

The bottom line is this is planning steps only. And the issue that he raised will be considered when it comes back to us later on.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

Now that we've --

P.O. POSTAL:

And then Legislator -- oh, I'm sorry.

LEG. HALEY:

Now that we've established that we're wasting time, I don't know what it costs for planning steps, to go through that process, but we -- it's clear that this particular property is on the verge of some sort of Town approvals. Planning steps, I think the whole point is moot.

I just want to make one slight correction to Legislator Caracciolo's comments about transfer of development rights. Typically, transfer of development rights refers to the transfer from the Health Department, that yield. That, in fact, has not taken place, although it was something very similar to a transfer. They got some additional yield, and, obviously, in return, there's a -- I would say it's approximately a 40-acre golf course in Rocky Point that's going to be turned over to the Town. But there wasn't any real transfer of development rights from a Health Department perspective. But I think that's important to know, so the Town doesn't fall into that

particular category.

But that being said, it's rather obvious that that is a done deal, in my view, and to expend the energy and the efforts for planning purposes in this particular instance I think is fruitless.

P.O. POSTAL:

Legislator Alden.

LEG. ALDEN:

Did I understand you say, Legislator Haley, that it's imminent that the Town is going to grant building permits on this?

LEG. HALEY:

I understand they're very close, yeah. The approval process is like 98% done.

LEG. ALDEN:

Second --

LEG. HALEY:

It's very close.

LEG. ALDEN:

Second question I have, then, is where did this actually rate on our scale?

LEG. HALEY:

It came in at 30.

LEG. FISHER:

Thirty points.

LEG. ALDEN:

Okay. Thanks.

LEG. HALEY:

Thirty, so it just -- it barely made the minimum.

P.O. POSTAL:

Legislator Foley.

LEG. BISHOP:

I want to speak to that, also --

LEG. FOLEY:

Yeah.

LEG. BISHOP:

-- if that's going to --

LEG. HALEY:

Oh, you don't like the minimum? Thirty is thirty.

LEG. FOLEY:

Well, I'll defer to the Chair, if you wish to address that. I know for a fact that when the advocates, and those who are quite expert in this field of land preservation respectfully disagreed with that very low score, and had submitted their own scoring system, which showed just how special this particular area was, and how there were certain aspects, characteristics of the land and the animals that was not included within the original point-scoring system. But if the Chair wants to amplify on that, go ahead.

LEG. BISHOP:

If you'll -- there is a number of criteria on the County scoring list that people from the community maintain the County missed. For example, presence of wetlands on the -- of ponds that would make it wetlands, rare species, something as fundamental as adjacent to other public holdings. And the Planning Director admitted that that -- that the scoring system is not perfect, and that often they do miss, and he said, yeah, that this probably, if we were to redo it in earnest, would rank a higher score.

I just want to reemphasize that this is planning steps only, this is not the County's commitment to this purchase. It is -- it is, however -- allows us to move forward and gather more

information. And I think, at that point, we could an make an informed decision with the most information, and that's the way we should always make our decisions.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

Yeah. I understand, but from a policy perspective, we created -- Legislator {Byshop}.

LEG. BISHOP:

Excuse me.

LEG. HALEY:

From a -- we created the scoring system.

LEG. CRECCA:

What did he call him?

P.O. POSTAL:

{Byshop}.

LEG. HALEY:

We created the scoring system, so that's what --

P.O. POSTAL:

He got his attention.

LEG. HALEY:

-- the Planning Department and Department of Real Estate have to abide by. At no point did I hear them say that they differed with the original assessment of 30 points. However, they do have an opinion that perhaps we should change the system. I don't have a problem with that, but we need to do that from a policy perspective.

And I also agree with at times that, you know, most times I've agreed with all planning steps. I

figured it's worth the effort. But this is one particular time where I think it's not worth the effort. Now, we haven't put a dollar value on planning steps. Can you do that? I don't know what that might be.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCILO:

Yeah. I would just like to add to the record, and not in response to Legislator Haley's remarks, because I think it was said earlier, in fact, I know it was, by Karen Blumer that -- and I appreciate she and the other members of that community that have come to the committee, and who have in a very straightforward and honest manner put all the facts on the table. They have not tried to withhold relevant information from the committee, and I certainly appreciate that. But the fact -- one of the facts to bear in mind here is that, based on her comments, the density, the change in density went from 70 units on these 85 acres to permitting the developer to build 240. Now, I don't know if that results in a 300% increase in what this property is worth, but it is a sizable and a substantial increase. And, as the Chair accurately reflected, there is a consensus in the committee that we are not going to recommend to this Legislature at any time that the County make up that differential in cost when a local government increases density. Thank you.

P.O. POSTAL:

Legislator Bishop. Legislator Bishop.

LEG. HALEY:

Legislator {Byshop}.

P.O. POSTAL:

Legislator {Byshop}.

LEG. BISHOP:

I only respond to { Byshop} now.

P.O. POSTAL:

I see. We'll have to remember that. The sponsor is not here at the moment, so I'll make a motion to table this and we can discuss it --

LEG. HALEY:

Second.

P.O. POSTAL:

Okay.

LEG. BISHOP:

What question do we have of the sponsor that he needs to be here to answer that I have --

P.O. POSTAL:

Well, for example --

LEG. BISHOP:

-- that I have not in my exhaustive answers.

P.O. POSTAL:

Well, Legislator Caracciolo just pointed out the issue of whether there was an approval for a greater density on this property, and what bearing that should have on the value of the property. There seemed to be a lot of questions here and --

LEG. BISHOP:

But I answered that. That's the very question that I answered, which is that the County's policy should be that we will pay no more than the amount as if the Town didn't take a discretionary action that raised the value. I don't know --

LEG. HALEY:

That's not our policy, though.

LEG. BISHOP:

Well, that has been the policy of the Committee, and the Committee has followed that. And this is not -- this is not an appropriating resolution. When there have been appropriating resolutions, we certainly have -- you know, we have more of an opportunity to enact the policy. This merely planning steps, and planning steps is about gathering information.

LEG. CARACAPPA:

I can't believe what I'm hearing. Bishop's supporting Brookhaven and you're not.

LEG. FISHER:

He doesn't want to lose the golf course.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

First --

LEG. BISHOP:

Well, I'll tell you what I am supporting, I'm supporting the --

LEG. HALEY:

First and foremost.

P.O. POSTAL:

Wait, wait, let --

LEG. HALEY:

First and foremost --

P.O. POSTAL:

Let Legislator Bishop finish, please.

LEG. HALEY:

Oh, I'm sorry. I thought you said --

P.O. POSTAL:

Go ahead.

LEG. BISHOP:

What I am supporting is the integrity of the committee process, because the committee does work long hours. It's a very difficult assignment to be on the Environment Committee.

LEG. HALEY:

Don't remind us.

LEG. BISHOP:

A lot of Legislators rotate off of it, because it requires five-hour meetings regularly. And one of the reasons it takes so much time is that we spend a great amount of time earnestly discussing these issues. And I believe that we have protected the taxpayers in this -- in this instant, and that this is a worthwhile property. I think you saw the presentation, it would be the third time that I saw it today, about this property. It would be a fine asset to the County portfolio, but we don't want to pay more than we have to and we can -- we could move that process forward and protect the taxpayers at the same time. So that's why I'm taking up this cause.

LEG. CARACCILO:

Madam Chair.

P.O. POSTAL:

Wait a minute. Legislator Caracciolo, Legislator Haley and Legislator Fisher. You're first.

LEG. CARACCILO:

Madam Chair, I think, to be fair and to be consistent, the Legislature should ask a simple question. If we are going to authorize planning steps, which require surveys, appraisals, and, in this case, we're probably talking about multiple appraisals, because this property will definitely come in at more than a million dollars, to go through that exercise and expense only to find out that at the end of the day the difference in that discretionary action taken by the Town to increase density is not going to be backed up with a check from the Town is, in my view, a waste of County taxpayers' money. I mean, why don't we find out up front, since we know they've -- they're in a process of granting a higher yield, that if that is, in fact, what they intend to do, that they then will contribute to the cost of this acquisition? That may change my

position. But, again, I think the County constantly bailing out other entities is not what we should be doing.

P.O. POSTAL:

Legislator Haley.

LEG. HALEY:

First of all, I don't believe this is in a Pine Barrens area at all, it's in a typical area of growth within the Town of Brookhaven. It's certainly their discretion, to use your words, Legislator Bishop. But I can't imagine that all of a sudden that we have a policy statement coming out of the Environment Committee, which I don't ever remember voting for or agreeing to. If -- when we do acquisition work, the policy in the County of Suffolk is to pay no more than the appraised value. The given that we have to accept in this business is that the Towns have the right to do zoning. If the Towns change zoning or improve yields on particular parcels, they have a direct impact on the market value. And if we, from a planning perspective, were to say, "Okay, let's do this," I don't think -- now, individually, you can make that determination when you come to the final vote, but you can't make, from a policy perspective, because we haven't established it, and says, "You know what, we can't even look at that," because that hasn't -- we're not accounting for that discretionary. You have to account for the discretionary. If we say for planning purposes we want to acquire it, they have to, by policy, they have to go out and appraise it based on that discretion that the Town exercised, which is their full right, and pay the full price, if they -- if that's what it comes to.

You're saying that, no, you have an ad hoc policy or approach that you want to take, I'd imagine, but I don't think that that's a policy that's established by the -- by the Committee or by this Legislature.

LEG. BISHOP:

I think that if you -- if you refer to the -- if I may, just a final point to respond to that. If you refer to the minutes of the exhaustive hearings about the reforms after the revelation with regard to the -- what's the property name?

LEG. CARPENTER:

Chandler.

LEG. BISHOP:

Chandler, Chandler Estate.

LEG. HALEY:

How about OBI? Let's do all of them. Come on, Dave.

LEG. BISHOP:

With regard to the Chandler Estate, and you referee to the subsequent hearings since that time of the Environment Committee, and I know you were just rotated on to it this year, we have said that at almost every hearing. And, for example, we applied that criteria to the Camelot purchase, which is -- there has been some controversy as to whether a special use permit is a discretionary act which raises, but that's been the center of the debate in the committee. So we are -- as a committee, we've been consistent, and I think, if you asked anybody who's served on the Environment Committee, it's a topic that comes up instantly and we have applied it, and it's not just me, it's all the members of the committee, because it makes sense.

LEG. HALEY:

It makes sense, and I suggest that you change the policy of this Legislature and approach to acquisition work.

D.P.O. CARACAPPA:

Call the question.

LEG. HALEY:

Thank you.

P.O. POSTAL:

Well, we -- oh, we have a motion and a second to table.

LEG. FOLEY:

Just on the motion to table.

LEG. FISHER:

Madam, I believe I was on the list.

P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

Okay. We did explore this several times in the ELAP Committee. The planning steps enables Christine Costigan to do the kind of studies and evaluations that the Chairman has represented.

P.O. POSTAL:

Legislator Fisher, could I just ask you --

LEG. FISHER:

Yes.

P.O. POSTAL:

-- if I may interrupt you. You know, I know that we've been here for a long time.

LEG. BINDER:

On this one bill.

P.O. POSTAL:

And I'm just asking that you all attempt to be a little patient, and, please, contain yourselves. This is like -- you know, as a former kindergarten teacher, this is like when the kids got antsy, you had to give them a chance to get up and run around and do some exercises, and I really feel like I'm back in that environment again.

LEG. CARPENTER:

Can we have a nap?

P.O. POSTAL:

No, a nap won't it. We've got to do jumping jacks. I see Barbara making motions. So, please, you know, we can get through the rest of this agenda, but we need to all be focused.

LEG. FISHER:

Okay.

P.O. POSTAL:

Legislator Fisher.

LEG. FISHER:

As I was saying, this is -- this particular property is in a deep groundwater recharge zone. It's an important piece of land. I believe that we should at least give it the opportunity to go through the planning steps, because if we lose it, it's lost forever. And I really don't believe that we should take the risk in losing it. At least give us the opportunity to really evaluate its worth and see what kind of figures Christine Costigan comes back to us with.

P.O. POSTAL:

Roll call.

LEG. FISHER:

On the tabling.

P.O. POSTAL:

On the tabling.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:

Yes.

LEG. GULDI:

No. On the tabling?

LEG. CARACCILO:

I second it.

MR. BARTON:

Oh, Legislator Caracciolo. Well, it was just this loud second that came over here.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Still no.

LEG. TOWLE:

(Not Present)

LEG. FISHER:

No.

LEG. HALEY:

Yes.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Pass.

LEG. CRECCA:

No, to table.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. BINDER:

No.

LEG. TONNA:

Yes.

LEG. COOPER:

No.

LEG. CARACAPPA:

No.

LEG. CARPENTER:

Yes -- No, to table.

LEG. BISHOP:

Yes and no.

LEG. CARPENTER:

No.

LEG. CRECCA:

Yes and no. Put that down as a maybe.

MR. BARTON:

Five. (Not Present: Leg. Towle)

P.O. POSTAL:

Okay. There's a motion to approve by Legislator Caracappa, seconded by --

LEG. FISHER:

No. Excuse me. We've --

LEG. CRECCA:

Roll call. Roll call.

D.P.O. CARACAPPA:

We had it already.

LEG. FISHER:

It was already there.

P.O. POSTAL:

We did have a motion and a second?

LEG. FOLEY:

Yes.

LEG. FISHER:

Yes, we already did.

MR. BARTON:

Yes.

P.O. POSTAL:

Okay. Roll call on the motion to approve.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Me? Yes.

LEG. FOLEY:

I made the motion.

LEG. FISHER:

No, I made the motion.

LEG. FOLEY:

I second it.

LEG. FISHER:

It's okay. It's all right.

(Roll Call Resumed by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. FISHER:

Yes.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. TOWLE:

(Not Present)

LEG. HALEY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

No.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

No.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Nope.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

12. (Not Present: Leg. Towle)

LEG. FOLEY:

Very good.

P.O. POSTAL:

Okay. **1986 (Authorizing planning steps for the acquisition of farmland under Pay-As-You-Go 1/4% Taxpayer Protection Program (land of Carman at Sound Avenue)).**

LEG. CARACCILO:

Motion.

P.O. POSTAL:

1917 is approved. Motion by Legislator -- was that --

D.P.O. CARACAPPA:

Oh, I got a ton of questions.

LEG. HALEY:

Second.

P.O. POSTAL:

Caracciolo, seconded by Legislator Haley.

LEG. BISHOP:

I have a -- I have a question.

LEG. BINDER:

Tons of questions.

LEG. BISHOP:

Many.

P.O. POSTAL:

It was approved 4-1-0-1.

LEG. BISHOP:

I know this was passed out of my committee, but I just see now that it's pay-as-you-go. Is that the 100% funded County Program?

LEG. FISHER:

Who are you asking?

LEG. BISHOP:

Is this a --

P.O. POSTAL:

Jim, I guess.

MR. SABATINO:

Yes, it's 100%.

LEG. BISHOP:

Is there a reason why the Town of Riverhead is not participating in this?

LEG. GULDI:

Yeah, it's in Southold.

LEG. BINDER:

That's a good question.

LEG. CARACCILO:

That's a fair question, Dave. We could certainly approach them. This is a planning step resolution, so let's be consistent.

LEG. BISHOP:

Okay.

LEG. BINDER:

Oh, so you want to table this, if you want to be consistent?

LEG. GULDI:

No.

LEG. FISHER:

Yeah.

LEG. GULDI:

If we want to be consistent, we have to debate it another 45 minutes.

LEG. BISHOP:

Mike, what does page --

LEG. BINDER:

I'm willing to do that.

LEG. BISHOP:

What does Page 4 of the appraisal say, Mike?

P.O. POSTAL:

We have -- is there a motion to table and a second? Is that what I heard?

LEG. BISHOP:

No, I didn't make that motion.

P.O. POSTAL:

Well, okay.

LEG. BINDER:

That's a joke.

MR. BARTON:

They haven't been recognized.

P.O. POSTAL:

There is a motion to approve?

MR. BARTON:

Yes.

P.O. POSTAL:

And second? Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. CARACCIOLO:

Yes.

LEG. HALEY:

Yes.

LEG. GULDI:

Yes.

LEG. FISHER:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. BISHOP:

Difficult, isn't it?

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Absolutely.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes, if Mike just stops the questions, please.

LEG. TONNA:

Yes. I said yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

For Mike, anything.

P.O. POSTAL:

Yes.

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

1986. Whoops. 1986 is approved. **1120 (Making a SEQRA determination in connection with the proposed CR3/Wellwood Avenue, bridge widening over the Southern State Parkway, Town of Babylon)**, was approved 6-0. It's a SEQRA determination. And I make a motion to approve, seconded by Legislator Fields. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

1120 is approved.

P.O. POSTAL:

1128.

LEG. BISHOP:

You cut me out on the bridge on the second?

P.O. POSTAL:

Well, she made a -- I'm sorry, she was faster than you, Legislator { Byshop} .

LEG. BISHOP:

That's unbelievable.

P.O. POSTAL:

1128 (Approving the modification of Agricultural District No. 5 in the Towns of East Hampton and Southampton and terminating Agricultural District No. 4 in the Town of East Hampton and Southampton, subject to the required subsequent approvals of the State of New York), was approved 6-0. It's approving the modification of the Agricultural District Number 5 in the Towns of East Hampton and Southampton, and terminating Agricultural District No. 4 in the Towns of East Hampton and Southampton, subject --

LEG. GULDI:

I said motion.

P.O. POSTAL:

Motion by Legislator Guldi, seconded by Legislator Caracciolo. All in favor? Opposed?

MR. BARTON:

17, 1 not present. (Not Present: Leg. Towle)

P.O. POSTAL:

1128 is approved. **1137 (Reappointing a member to the Suffolk County Water Authority (Melvin Fritz)).**

LEG. FISHER:

Motion.

P.O. POSTAL:

Motion.

LEG. COOPER:

Second.

P.O. POSTAL:

Legislator Fisher.

LEG. FOLEY:

Second.

P.O. POSTAL:

Seconded by --

LEG. COOPER:

Second.

LEG. HALEY:

Motion to table.

P.O. POSTAL:

Legislator Cooper. All in favor?

LEG. BINDER:

Madam Chair. Madam Chair.

LEG. HALEY:

Motion to table.

P.O. POSTAL:

I'm sorry.

LEG. BINDER:

Madam Chair.

P.O. POSTAL:

Motion to table by Legislator Haley.

LEG. BINDER:

I'll second.

P.O. POSTAL:

Are you seconding the motion, or you want to --

LEG. BINDER:

Yeah, and I would like to speak on the motion.

P.O. POSTAL:

All right. Seconded by Legislator Binder. And, Legislator Binder, on the motion.

LEG. BINDER:

I would just think that, I don't know what the propriety is for members who have close family relatives at the Water Authority and have been contacted by people who have authority over those jobs to be voting, but I would just suggest there were a number of people that might want to recuse themselves on the vote.

LEG. FOLEY:

So why are you making a motion to table?

LEG. BINDER:

Excuse me?

LEG. FOLEY:

What does that have to do with a tabling motion that you've seconded --

LEG. BINDER:

I would just think that --

LEG. FOLEY:

Through the Chair?

LEG. BINDER:

-- there are some people that have close family relatives whose --

LEG. FOLEY:

I understand that, but --

LEG. BINDER:

-- jobs can be at risk. I would think --

P.O. POSTAL:

Let's not debate, please.

LEG. BINDER:

-- might not be a good thing to vote on anything having to do with this -- these particular --

LEG. FOLEY:

But just through the Chair. Through the Chair. Okay.

P.O. POSTAL:

Through the Chair.

LEG. FOLEY:

Through the Chair. How does that concern that you have translate into a tabling motion? You could still vote to approve it. Why would you make a motion to table it? Because the standard that --

LEG. BINDER:

I didn't, I seconded -- I seconded the motion, but I'm --

LEG. FOLEY:

To table. You seconded the motion to table.

LEG. BINDER:

Right. And on -- Yes, I did. And on the motion, I'm just making a suggestion, before people vote, that there could be a very severe, at minimum, appearance of impropriety, if not -- if not something more, with people who have close family relatives whose jobs are at stake by the people who have asked for their vote on this, who have control over those jobs, by the people who vote, or asked for the vote on these resolutions -- on this resolution. It's just a suggestion.

P.O. POSTAL:

I would just -- certainly, Legislator Binder is entitled to his position and his opinion. I just have to state that, in my experience, I have never found that a vote on a member of the Board of the Water Authority had any bearing on whether an employee would have continued employment at the Water Authority or be terminated. That's just not been my experience.

LEG. BINDER:

Could I ask --

P.O. POSTAL:

I could ask --

LEG. BINDER:

Could we ask Counsel?

P.O. POSTAL:

Certainly, I would ask Counsel.

LEG. BINDER:

Could I phrase the question this way, Madam Chair? Counsel, if members were actually called by the governing authorities who have control over the jobs of members who are voting here today, literally control, and have asked -- been asked for their vote on this when they have

control over those jobs, is there either the -- because we've changed the Ethics Laws. So under the new "Appearance of Impropriety" question, because -- and that's new, and that's very new here under these new Ethics Rules, is there -- could there be a question?

MR. SABATINO:

My advice, when asked in the past, has been that I recommend, even though it's not a technical violation, that an individual should recuse himself or herself. However, I've also indicated to Legislators that in the absence of a recusal, at a bare minimum, the individuals should at least disclose on the record what the relationship is, so at least that covers, under one of the sections of the Ethics Law which states that if you disclose and explain what the relationship is, you're in compliance when that section. So, technically, technically, it's not a direct violation, but I've always felt, even prior to the amendment, that it was a recusal situation that I would recommend. However, in the absence of somebody recusing, I've always suggested at least disclose to get yourself into the other section that talks about that.

LEG. BINDER:

And that includes the new stringency under the "Appearance of Impropriety" questions, you think? Because that's a real higher stringency.

MR. SABATINO:

I've been consistent on that point.

LEG. BINDER:

You would still think that they should recuse themselves. Yeah.

MR. SABATINO:

I mean, I've said to Legislators, you could make a technical legal argument under the statute that you're not in direct violation, I understand that. But I've consistently stated that my recommendation would be to recuse. If I were voting, I would recuse. But I've also said, I want to be fair to Legislators, there is a section that states that if you make the disclosure, you fall in that category, you've at least -- you've at least complied with the statute.

P.O. POSTAL:

Legislator Fields, and then Legislator Foley.

LEG. FIELDS:

In committee, I disclosed that my son works for the Water Authority, but I also disclosed that as the Chairman of the Health Committee for two years, I served on the Board of Health. And as I served on the Board of Health, there was another member, and that was Dr. Melvin Fritz. And I also disclosed that, in my past, I have worked on many, many boards, and oftentimes you find dead wood on boards where there's no input from the member, no asset to the board, and Dr. Fritz has been a meaningful member of the Board of Health. He's also been someone that's in the community where I worked for 37 years in the health care field as a very good doctor, and someone with a very good reputation. And with all of that background information, I was very happy to approve his appointment because of the working relationship that I had with the man and with the gentleman.

P.O. POSTAL:

Legislator Foley.

LEG. HALEY:

So you just disclosed.

LEG. FIELDS:

I did.

LEG. FOLEY:

Yeah, I'd certainly echo Legislator Fields' comments. And as the current member of the Board of Health, I serve with Dr. Fritz on that particular board. He's an exceptional member of that particular board and he's done an outstanding job at the Water Authority, so I hope we can reappoint him tonight.

P.O. POSTAL:

Roll call.

LEG. BINDER:

Madam Chair, I --

P.O. POSTAL:

Yes, go ahead.

LEG. BINDER:

-- would have one more question for Counsel. It occurs to me also. Would you also think it should be disclosed if a person who has control over the job of someone working there, also, should that be disclosed that they got a call requesting their vote, because, if they're an authority who has control over that, over those jobs, should that also be disclosed whether they received a call from that governing authority? Would you recommend that?

MR. SABATINO:

Only if it was the individual whose vote was -- if it was the individual whose vote was coming up, I would disclose that. If some -- if other people are making contact, I don't think that has to be disclosed.

LEG. BINDER:

No, no. What I mean is, if a governing authority who has control over a job made the call to a Legislator and said, "I'd like you to vote for something," would you also recommend that they disclose that that call was made and that solicitation was made?

LEG. FOLEY:

Do you know this for a fact, Legislator Binder?

LEG. BINDER:

I'm only asking a question?

LEG. FOLEY:

Are you insinuating --

LEG. BINDER:

I'm only asking whether he would recommend that. I don't know anything happened or didn't happen. I don't know. But I'm just asking if he would recommend that that be disclosed also.

MR. SABATINO:

Yeah, I would clearly, if the individual -- if the individual who is up for appointment or reappointment in this case made the contact, yes, I think that should be disclosed. If somebody else -- if somebody else on the board --

LEG. BINDER:

If someone --

MR. SABATINO:

If somebody else on the board, you know, communicated, I --

LEG. BINDER:

If someone -- not even someone on the board. If someone who had the ability to have control over the job of a relative of someone making the vote here made the solicitation, because -- and, in other words, they called and they said, "I'd like you to vote this way," and you know that that person also has the ability to end the job or terminate the job of someone whose a relative, is -- would you recommend that they disclose that call was made also?

MR. SABATINO:

I don't think it's necessary, because that person's not being voted on, but it wouldn't be harmful to disclose it. And, I mean, if it was in the context of some -- you know, if it went beyond just a telephone call, yeah, I would disclose it, but if it was just a telephone call and it's not the person being voted on, I don't think that has to be disclosed.

P.O. POSTAL:

Legislator Fields.

LEG. FIELDS:

I can answer that. I was not called by anyone.

P.O. POSTAL:

Roll call.

LEG. CARACAPPA:

This is to table.

LEG. FISHER:

This is to table.

(Roll Called by Mr. Barton, Clerk)

LEG. HALEY:

Yes.

LEG. BINDER:

Yes.

P.O. POSTAL:

This is on the tabling motion.

LEG. CARACCILO:

(Not Present)

LEG. GULDI:

Pass.

LEG. TOWLE:

Pass.

LEG. FISHER:

No.

LEG. FOLEY:

No.

LEG. LINDSAY:

No.

LEG. FIELDS:

No.

LEG. ALDEN:

No, to table.

LEG. CARPENTER:

No.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Pass.

LEG. BISHOP:

No.

LEG. TONNA:

Yes.

LEG. COOPER:

No.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

MR. BARTON:

Legislator Caracciolo. *(Not Present)*

LEG. GULDI:

No.

LEG. FIELDS:

Wait, wait.

LEG. TOWLE:

No, to table.

LEG. CARACCILO:

No.

MR. BARTON:

Your vote is no, Mr. Caracciolo? Thank you.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

MR. BARTON:

Five.

P.O. POSTAL:

Legislator Caracappa.

LEG. CARACAPPA:

Well, after the motion is made to approve.

P.O. POSTAL:

Oh, I'll make a motion to approve, seconded by Legislator Caracappa. And I --

LEG. FOLEY:

I'll second it.

D.P.O. CARACAPPA:

Yep, Legislator --

P.O. POSTAL:

Okay. Legislator Foley.

LEG. CARACAPPA:

Just on the motion.

P.O. POSTAL:

And Legislator Caracappa, you have the floor.

LEG. CARACAPPA:

I, too, for the record will disclose that I have a brother who works for the Water Authority. I was not contacted by anybody at the Water Authority for this vote, and I will turn over any phone records that anyone wants to see to prove the fact that I have received no phone call from anybody on the Board influencing my vote on this matter.

P.O. POSTAL:

Roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. CARACAPPA:

Yes.

LEG. CARACCIOLO:

To approve? Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

No.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. LINDSAY:

Yes

LEG. FIELDS:

Yes

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

14-4.

LEG. HALEY:

Congratulations.

P.O. POSTAL:

Excuse me. Resolution 1137 is approved.

WAYS & MEANS, REAL ESTATE TRANSACTIONS & FINANCE

Ways and Means, Real Estate Transactions and Finance. **2325 (Authorizing the sale of two surplus County cars to the Long Island Gay and Lesbian Youth (LIGALY)).** Motion to approve.

LEG. GULDI:

Second.

P.O. POSTAL:

Second by Legislator Guldi. All in favor? Oh, excuse me. Committee report was approved 4-3.

LEG. TOWLE:

Legislator Postal.

P.O. POSTAL:

And a letter from LIGALY has been distributed to everyone indicating the purposes for which the vans will be used.

LEG. CRECCA:

We all have it?

P.O. POSTAL:

All favor? Yeah, it's in front of you. All in favor? Opposed?

MR. BARTON:

17, 1 not --

LEG. HALEY:

Abstain.

MR. BARTON:

Oh, okay.

P.O. POSTAL:

There's opposition from Legislator Haley, Legislator Caracappa, Legislator --

LEG. CRECCA:

Abstain.

P.O. POSTAL:

Oh, Legislator Crecca is abstaining. They're all abstaining.

LEG. CARACCILOLO:

Abstaining, Henry.

P.O. POSTAL:

Haley, Caracciolo, Caracappa, Crecca and Binder are abstaining.

LEG. TOWLE:

Legislator Postal.

P.O. POSTAL:

Yes.

LEG. TOWLE:

Once you get done with the vote tally, if you'd recognize me for a second.

P.O. POSTAL:

What? I can't hear you.

LEG. TOWLE:

Once you get done with the vote tally, if you'd recognize me.

P.O. POSTAL:

Yeah.

MR. BARTON:

12, 5 abstentions, 1 not present. (Not Present: Leg. Alden)

P.O. POSTAL:

Okay. 2325 is approved. 1079.

LEG. TOWLE:

There was --

P.O. POSTAL:

Go ahead.

LEG. TOWLE:

I just wanted to be recognized for Resolution 1917. Thank you for approving it, but I just wanted to make a motion to include myself with the majority.

D.P.O. CARACAPPA:

Second.

LEG. GULDI:

A motion to reconsider and approve. Second.

P.O. POSTAL:

Okay. Motion to reconsider, seconded by Legislator Caracappa. All in favor? Opposed? Now there's a motion to approve by Legislator Towle, second by Legislator Caracappa. All in favor? This was --

LEG. CRECCA:

1979?

MS. BURKHARDT:

1917.

P.O. POSTAL:

1917. Remember, Legislator Towle was not here? Okay.

LEG. TOWLE:

Thank you.

P.O. POSTAL:

So we have a motion and second. All in favor? Opposed?

LEG. TONNA:

Opposed.

LEG. HALEY:

Opposed.

LEG. CARACCIOLO:

Abstain.

LEG. BINDER:

Do the same vote, just add --

LEG. TOWLE:

Include me with the approval.

MR. BARTON:

Okay, I got it.

LEG. TOWLE:

Thanks.

LEG. CARACCILO:

1917, a no. I'm sorry, Henry. Not abstain, a no.

LEG. TONNA:

You got me as a no?

MR. BARTON:

It is as it was before. Fred's in the majority now.

LEG. TOWLE:

Thank you.

P.O. POSTAL:

You're welcome. Let's see.

LEG. FOLEY:

1079.

P.O. POSTAL:

1079 - A Charter Law in connection with subpoena power.

LEG. GULDI:

Motion to table for one cycle.

LEG. TOWLE:

Second.

P.O. POSTAL:

Who was the motion by?

LEG. FISHER:

Guldi.

P.O. POSTAL:

Legislator Guldi, seconded by Legislator Towle. All in favor? Opposed?

MR. BARTON:

18.

(* SUBSTITUTION OF STENOGRAPHER - ALISON MAHONEY *)

P.O. POSTAL:

1109-03 - Amending Resolution No. 1081-2002 and Resolution 1082-2002 for the Town portion of the 2002-2003 Tax Levy for the Town of Southold (Presiding Officer Postal). Approved 6-0-0-1.

LEG. HALEY:

Motion.

P.O. POSTAL:

Motion by Legislator Haley, seconded by -- no.

LEG. CARACCILO:

Well, yeah, I'll second it but I'd like to put on the record or have Budget Review put on the record that there's no change in the County tax levy for the Town of Southold.

P.O. POSTAL:

Okay. So --

LEG. CARACCILO:

Fred, could you just verify? We did it in committee.

MR. POLLERT:

Yes, that is correct; there is no change in the County portion.

LEG. CARACCILO:

Thank you.

P.O. POSTAL:

Okay. We have a motion and a second. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1110-03 - Authorizing amended tax warrant for the Town of Southold (Presiding Officer Postal). Discharged without recommendation, 6-0-0-1.

LEG. CARACCILO:

Madam Chair?

P.O. POSTAL:

Yes.

LEG. CARACCILO:

Same question of Budget Review.

P.O. POSTAL:

Let's get a motion and a second. Legislator Haley, motion to approve, seconded by Legislator Towle. Legislator Caracciolo is asking Budget Review the same question.

MR. POLLERT:

Yes, there is no impact on the County portion of the tax levy.

LEG. CARACCILO:

Thank you.

P.O. POSTAL:

All in favor?

MR. SABATINO:

And also the reference to Riverhead should be deleted, it was meant to be Southold.

LEG. CARACCILO:

In the resolution it mentioned Riverhead Town instead of Southold.

MS. BURKHARDT:

It's a scrivener's error.

LEG. CARACCILO:

It's a scrivener's error.

MR. BARTON:

That was corrected.

P.O. POSTAL:

Okay, a corrected scrivener's error. We have a motion and a second. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Okay, **1110 is approved.**

1111-03 - To amend Honest IFMS (Integrated Financial Management System) Budget Practices Policy (Crecca). Is withdrawn.

MR. SABATINO:

The alternative was done with a CN, so that should be withdrawn.

P.O. POSTAL:

Okay. Motion to withdraw, **1111 is withdrawn.**

1127-03 - Authorizing use of Blydenburgh County Park by Habitat for Humanity of Suffolk for their Annual Housewalk Fund-raiser (County Executive). Motion by Legislator Crecca, seconded by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1127 is approved

1133-03 - Amending the schedule of fees in connection with the purchase of the Suffolk County Tax Map and other items pertaining thereto (County Executive).

LEG. CRECCA:

Motion.

P.O. POSTAL:

Motion by Legislator Crecca.

LEG. FISHER:

Second.

P.O. POSTAL:

Second by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1133 is approved.

1136-03 - Transferring funds for year 2002 in accordance with policy established for use of fees collected from Title Examiners utilizing County Facilities (Presiding Officer Postal).

LEG. TOWLE:

Motion.

P.O. POSTAL:

Motion by -- was that Legislator Towle?

LEG. TOWLE:

Yep.

P.O. POSTAL:

Seconded by Legislator Lindsay. The committee report was 6-0-0-1. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1136 is approved

1156-03 - To amend 2003 Rules of the County Legislature in connection with consideration of appointees (Crecca). Motion, Legislator Crecca.

LEG. FOLEY:

Explanation, please.

P.O. POSTAL:

Let's get a second on that. Second, Legislator Towle. And that was approved 6-0-0-1. Can we have an explanation of 1156?

LEG. CRECCA:

Yeah; you want to do it, Paul?

MR. SABATINO:

The short answer is it will allow people who are prospective appointees who would come to the full Legislature to be considered at that portion of the meeting when questions can be asked which is at the beginning of the meeting.

LEG. CRECCA:

At the same time we do the County Executive people that come up and all that.

P.O. POSTAL:

The public officials portion.

LEG. CRECCA:

Yes.

P.O. POSTAL:

Okay. All right, all in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1156 is approved.

Public Safety & Public Information:

1022-03 - Adopting Local Law No. 2002, a Local Law authorizing 10% property tax exemption for volunteer firefighters and ambulance workers (Cooper). Approved 5-0.

Legislator Cooper?

LEG. COOPER:

Motion to approve.

P.O. POSTAL:

Motion to approve, seconded by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1022 is approved.

1050A, 1050-03 - Amending the 2002 Capital Program and Budget and appropriating funds for the purchase of Automated External Defibrillators, AED's, for County buildings (CP 305.523) (Crecca). Motion by Legislator Crecca.

LEG. GULDI:

Second.

P.O. POSTAL:

Second by Legislator Guldi.

LEG. HALEY:

On the motion.

LEG. LINDSAY:

On the question.

P.O. POSTAL:

On the question, Legislator Haley.

LEG. FOLEY:

What's the offset, please?

LEG. CARACAPPA:

The offset is red light cameras.

LEG. FOLEY:

Can we just have -- what are the offsets?

LEG. CARACAPPA:

Red light cameras.

LEG. FOLEY:

It's red light cameras?

P.O. POSTAL:

Yeah. I had -- if I could.

LEG. FOLEY:

Yes.

P.O. POSTAL:

I really think that this is very important. And while I do think it's important to prevent misuse of those -- I think it's important to prevent traffic law violations, I think that this is really vital. So, you know, I think this is a direct way to save a life, it's been proven.

LEG. FOLEY:

I'm sure that there is, but --

LEG. LINDSAY:

We just wanted to know what the offset was.

P.O. POSTAL:

Yeah, that's why, I don't have a problem.

LEG. FOLEY:

Are there any monies left over? Are there any monies left in the account?

P.O. POSTAL:

I don't know.

LEG. FOLEY:

For the red light cameras.

LEG. CARACAPPA:

The reason -- Legislator Lindsay had put it --

LEG. LINDSAY:

We have to get it passed the State.

LEG. CARACAPPA:

Madam Chair?

LEG. FOLEY:

Oh, we can't use -- okay.

P.O. POSTAL:

Legislator Caracappa.

LEG. CARACAPPA:

Yeah, the State has to implement their end of it for us to amend ours. Legislator Lindsay had put money in the Capital Budget last year in anticipation, that didn't happen so now there's an offset.

LEG. FOLEY:

Okay. Thank you for that explanation.

P.O. POSTAL:

Can we just have a little quiet? We have a roll call.

MR. BARTON:

Correct.

P.O. POSTAL:

This is on the AED's, Automatic --

MR. BARTON:

On the bond.

LEG. CRECCA:

Yes.

(*Roll Called by Mr. Barton, Clerk*)

LEG. GULDI:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yep.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

LEG. ALDEN:

Madam Presiding Officer?

P.O. POSTAL:

Same motion, same second, same vote. Legislator Alden.

LEG. ALDEN:

I apologize, I just have to go back to 1022 for a minute.

P.O. POSTAL:

Sure.

LEG. ALDEN:

I needed --

P.O. POSTAL:

Are you making a motion to reconsider?

LEG. ALDEN:

No, but I just need a clarification on that.

P.O. POSTAL:

Oh, okay. Paul?

LEG. ALDEN:

When is the date, the effective date of this? And just to point out something that was pointed out to me by a number of assessors and receiver of taxes, we passed the tax status date for this year so it cannot apply for this year or they wouldn't be able to avail themselves of this exemption.

P.O. POSTAL:

I would imagine they can't.

MR. SABATINO:

We're after March 1st so it would automatically be for the following year, but I'll just double check my memory on this.

LEG. ALDEN:

No, no, you can make it applicable for this year and then they'll get nothing. And the second thing I want to point out is that New York State did not amend their law, so this translates into approximately \$2?

LEG. CARACAPPA:

Fourteen.

MR. SABATINO:

No, this law was amended to take into account the glitch in the State Statute. So what this Local Law states is that whatever the State law is or becomes is what will kick in. Right now the average would be \$14 based on the glitch in the formula, but if the formula is ever adjusted to its proper level this will automatically float up to that level; that's the way it's worked.

LEG. ALDEN:

Just can we make it clear, though, on the record when the applicable date would be for this exemption?

MR. SABATINO:

Yeah, I'm just trying to pull the -- because there was a corrected copy, just hold on one second.

LEG. ALDEN:

Can I yield to Legislator Nowick for a minute?

P.O. POSTAL:

Sure. Legislator Nowick?

LEG. NOWICK:

Is your question whether or not --

MR. SABATINO:

Yeah, it's for the -- I was right, it's for any adjustment after the taxable status date of this year, but that's March 1st and we're already past March 1st so it will kick in for the following year.

LEG. ALDEN:

Okay. Just so it's clear for the record, this is not for this year and we really should not go out to our constituents and tell them to make an application because you're going to flood the towns with something that they can't even accept because we are past the tax status date.

P.O. POSTAL:

Legislator Nowick.

LEG. NOWICK:

I just think that the Counsel made it clear when the cut off date was, I was going to tell Cameron that.

P.O. POSTAL:

Okay, thank you.

We were on ***IR 1108-03 - Renaming a portion of Suffolk Avenue in the Town of Islip as "Lieutenant David Halderman Way"***. It was approved 5-0 out of committee. Motion to approve by Legislator Alden, seconded by Legislator --

LEG. FIELDS:

Fields.

P.O. POSTAL:

Fields. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1108 is approved.

1130A, 1130-03 - Appropriating funds in connection with construction of the Residential Juvenile Detention Center (CP 3012) (County Executive).

LEG. CRECCA:

Motion.

P.O. POSTAL:

Motion by Legislator Crecca, I'll second the motion. Let's see, that's a roll call.

(* Roll Called by Mr. Barton, Clerk *)

LEG. CRECCA:

Yep.

P.O. POSTAL:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

MR. BARTON:

18 on the bond

P.O. POSTAL:

Same motion, same second, same vote. And just congratulations to Legislator Crecca, this has been a very long time in coming.

LEG. CARACCILO:

Excuse me?

P.O. POSTAL:

And Legislator Caracciolo.

1141-03 - Increasing the amount of Imprest Funds, 001-1165-4770 for the Suffolk County District Attorney, Special Services Account (County Executive). Discharged 5-0. Motion by -- who was the motion? Legislator Towle, seconded by Legislator Carpenter. All in favor? Opposed?

MR. BARTON:

18.

LEG. FISHER:

Just a question for Budget Review. Fred?

MR. POLLERT:

Yes.

LEG. FISHER:

What's an Imprest Fund?

P.O. POSTAL:

1141 is approved.

LEG. FISHER:

I read the resolution and I still don't know what an Imprest Fund is.

MR. POLLERT:

Basically they use it for drug buys and stuff, it's a rotating fund used for very specific purposes.

LEG. FISHER:

Okay. But my question was about the different amounts in the resolution because it says 50,000 one place, in another place it says 225.

P.O. POSTAL:

Can we please have your attention, Legislator Bishop?

LEG. FISHER:

So what is the amount, Fred, what are we talking about?

MR. POLLERT:

My belief is that you're talking about the \$50,000 as the total amount of the Imprest Fund.

LEG. FISHER:

Okay. And this particular resolution?

MR. POLLERT:

Would increase it to the \$50,000 limit.

LEG. FISHER:

Okay. Thank you, Fred.

P.O. POSTAL:

1142-03 - Amending the 2003 -- this is -- we approved this -- no -- *amending the 2003 Mandated Operating Budget in connection with two new positions in the Sheriff's Department (Jail Cook).*

LEG. GULDI:

Motion.

LEG. TOWLE:

Second.

P.O. POSTAL:

Motion by Legislator Guldi, seconded by Legislator Towle. It was approved out of committee 5-0. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1142 is approved.

1150-03 - Appointment member to the Suffolk County RFP Committee for Jail Expansion Study (Joseph T. Caracappa) (Postal).

LEG. CARACAPPA:

Please vote no on this, everyone.

LEG. ALDEN:

On the motion. On the motion, I think that if this person is related to any member of this Legislative body, he should disclose it at this point.

LEG. CARACAPPA:

I didn't receive a phone call from this person.

LEG. ALDEN:

I didn't receive any phone call but I want it disclosed.

LEG. GULDI:

I have a question.

LEG. CRECCA:

Joe, do you have any family members who are housed at the jail? I think you should disclose that.

LEG. GULDI:

Notwithstanding family members at the jail, I have a question and that is why are we sending Haley to the Treasurer's Office and Caracappa to jail; shouldn't it be the other way around?

LEG. HALEY:

Thank you, George.

LEG. TOWLE:

I will second that.

LEG. ALDEN:

Motion to approve.

LEG. FISHER:

Second.

P.O. POSTAL:

No, you know, I'm going to just respond. I think that -- we're out of control, I told you, we have to get up and do some exercises. A couple of years ago when the issue of jail expansion first came up and there was a committee to look at our future needs for incarceration and Legislator Caracappa --

LEG. FIELDS:

Our incarceration?

P.O. POSTAL:

Well, our as a County.

LEG. CARACAPPA:

I'll let you know how it's going.

P.O. POSTAL:

You know, some people might think that there are quite a few people here that need to be incarcerated immediately. But Legislator Caracappa did an excellent job on that committee, devoted a tremendous amount of time and really took his job very seriously and no good deed goes unpunished.

LEG. CARACAPPA:

That's for sure.

P.O. POSTAL:

So here we are again and that's why I can't think of a better person to serve in this capacity than Legislator Caracappa.

LEG. CARACAPPA:

Vote no.

P.O. POSTAL:

So it was discharged from committee 5-0 and -- did I make a motion to approve it? I'll make a motion to approve it.

LEG. FISHER:

Second.

LEG. ALDEN:

Second.

P.O. POSTAL:

Second by Legislator Alden. All in favor? Opposed?

MR. BARTON:

18.

LEG. FISHER:

That's your go to jail card, Joe.

P.O. POSTAL:

1150 is approved.

LEG. CARACAPPA:

Please, that's a bad omen.

P.O. POSTAL:

All right. ***1103, which is a new position in the District Attorney's Office, needs to be withdrawn because it was approved by a CN.***

LEG. FOLEY:

Now we can do 1039.

P.O. POSTAL:

1039-03 was the resolution that was discharged from Public Works earlier which was ***approving the extension of license for Sayville Ferry Service, Inc, for Cross Bay Service between Sayville, New York and the Fire Island Communities of Fire Island Pines, Cherry Grove and Water Island.***

LEG. CARPENTER:

Motion to approve.

LEG. FIELDS:

Motion to approve.

P.O. POSTAL:

Motion to approve by Legislator Carpenter, second by Legislator Fields. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1039 is approved.

Now, ***we approved 1103 by a CN.***

Public Works & Transportation:

We're up to ***1083A, 1083-03 - Amending the 2003 Capital Program and Budget and appropriating funds for improvements to Commack Road, CR 4 (CP 5051.312)(Binder).*** I have to tell you --

LEG. BINDER:

Motion.

P.O. POSTAL:

-- we have been approving Commack Road as long as I've been here. Motion by Legislator Binder.

LEG. CRECCA:

Second.

P.O. POSTAL:

Seconded by Legislator Crecca.

LEG. ALDEN:

Would it be appropriate to call for disclosures on anybody that happens to use this road, that might be voting on this particular resolution?

LEG. CRECCA:

Actually, I discussed this earlier with Legislator Binder, I think I should just disclose that.

P.O. POSTAL:

Can we restrain ourselves for just a few minutes? I promise if we can just do that --

LEG. FOLEY:

If there's any Legislator who rides that road, do they have to -- you know. If you ride the road, you have to --

(* Presiding Officer Postal Banged Gavel*)

LEG. FOLEY:

-- abstain from voting.

P.O. POSTAL:

The committee report was 5-0-0-1. Motion by Legislator Binder, second by Legislator Crecca. Roll call.

(* Roll Called by Mr. Barton, Clerk*)

LEG. BINDER:

Yes.

LEG. CRECCA:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Pass.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Pass.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yep.

P.O. POSTAL:

Yes.

LEG. HALEY:

Yeah.

LEG. ALDEN:

Yes.

MR. BARTON:

18 for Commack Road.

P.O. POSTAL:

Same motion, same second, same vote.

1125A, 11125-03 - Amending the 2003 Capital Budget and Program and appropriating funds in connection with the construction of sidewalks on various County Roads (CP 5497)(County Executive).

LEG. LINDSAY:

I make that motion.

P.O. POSTAL:

Motion by Legislator Alden, seconded by Legislator Carpenter. Discharged 5-0-0-1. All right, can we make that motion by Legislator Lindsay? It's in his district.

LEG. ALDEN:

Fine.

P.O. POSTAL:

Okay, motion by Legislator Lindsay. Roll call.

(*Roll Called by Mr. Barton, Clerk*)

LEG. LINDSAY:

Yes.

LEG. CARPENTER:

Yes.

LEG. CARACCILO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. FOLEY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yep.

P.O. POSTAL:

Yes.

MR. BARTON:

18 on the bond.

P.O. POSTAL:

Same motion, same second, same vote.

1131-03 - Approving Federal Aid and authorizing participation in the Non Federal Share of the cost for painting CR 101, Patchogue-Yaphank Road over NYS 27, Sunrise Highway (CP NO. 5815.413) (County Executive).

LEG. FOLEY:

Motion.

LEG. CARACAPPA:

Second.

P.O. POSTAL:

Motion by Legislator Foley, seconded by Legislator Caracappa. Approved 5-0-0-1. All in favor?
Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1131 is approved.

1132-03 - A resolution making certain findings and determinations upon a proposal to form Suffolk County Sewer District No. 4 - Smithtown Galleria in the Town of Smithtown (County Executive). Motion by Legislator Nowick -- Crecca, seconded by Legislator Nowick. Approved out of committee, let's see, 5-0-0-1. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1132 is approved.

Human Services:

1129-03 - Transferring funds to cover the local share of the Job Placement and Retention Program (JP&R) (County Executive). Approved 5-0. Motion by Legislator Fisher?

LEG. FISHER:

Yes.

LEG. TOWLE:

Second.

P.O. POSTAL:

Seconded by Legislator Towle. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1129 is approved.

1151-03 - To statutorily reconstitute Suffolk County Welfare to Work Commission (Fisher).

LEG. FISHER:

Motion.

P.O. POSTAL:

Motion by Legislator Fisher.

LEG. TOWLE:

Second.

P.O. POSTAL:

Seconded by Legislator Towle. Approved 5-0. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1151 is approved.

Economic Development and Energy:

1030-03 - Adopting Local Law No. , a Local Law to require verbatim minutes for Suffolk County Industrial Development Agency (IDA) (Towle).

LEG. TOWLE:

Motion.

LEG. GULDI:

Second.

LEG. ALDEN:

On the motion.

P.O. POSTAL:

Okay, legislator Alden.

LEG. ALDEN:

Specifically who is going to be required to take these minutes?

P.O. POSTAL:

Paul?

LEG. TOWLE:

I didn't want to tell anybody the bad news.

MR. SABATINO:

Statutorily it's going to be the responsibility of the IDA, how they work it out --

LEG. CARPENTER:

Absolutely, that's a separate --

MR. SABATINO:

That's the mechanics of it, but the IDA has the responsibility.

P.O. POSTAL:

Yeah. And I will just point out the committee information, it was discharged 5-0. All in favor?

LEG. ALDEN:

This does not cost us, then, in manpower or anything else?

LEG. FOLEY:

Nothing.

LEG. ALDEN:

Great. Thank you.

LEG. TOWLE:

See, Henry, I told you it was nothing.

P.O. POSTAL:

All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1030 is approved.

MS. MAHONEY:

Thank you.

LEG. TOWLE:

You're welcome; it's for you.

LEG. FOLEY:

We want you here, Alison.

[TRANSCRIBED BY DONNA BARRETT]

P.O. POSTAL:

1048 - To establish County office space policy for downtown revitalization. I'll make a motion to approve, seconded by Legislator Foley.

LEG. BINDER:

On the motion.

P.O. POSTAL:

On the motion, Legislator Binder.

LEG. BINDER:

In committee there were a number of concerns raised, and I think Christine Costigan specifically outlined a number of them. I think there's a general feeling that this is a good idea and well intended, and well reasoned and we should do something like this. She pointed out a couple of

problems, and I don't have all in front of me. Now, one of them I know is that we don't have a definition of downtown, and there are penalties if we don't do the right thing, if they don't do this. So we are basically telling people that they have to do it, they can be terminated if they're not. They're not sure exactly what to do, because there's not a definition. Unless there's been a corrected copy, there's not a specific definition. There were a number of other questions that Christine raised, and I don't -- like I said, I don't have them before me, but I know she raised four or five questions as she went down them -- went down the list. My question was whether we could have a -- whether we could have an -- an impact statement on every one, not just requested when we think of it. Each one should say this is how much we're paying for downtown, in an alternative, we would pay an industrial area or another area, we'd pay X number of square feet. Now, we may choose, because downtown revitalization is so important, that it's worth the extra cost. But it really should be before us in each case what the cost differential is between going to a downtown area and another. Actually, it could be negative, it could be actually cheaper, I don't know, but that analysis should be before us.

So I was hoping that the sponsor would table it for one meeting, make a couple of changes, talk to Christine about some of them. I don't know what -- what's gone on. But also to add a fiscal impact or a fiscal differential so we would just have before us when we consider it how much the cost is on one place verses another. We'd know what we're doing and we'd know what we're dealing with. So I would ask -- and I'd make a motion to table for one meeting --

LEG. HALEY:

Second.

LEG. BINDER:

-- just to see if we can address some of the concerns that she has and the professionals and one of the concerns that I have about having a fiscal impact.

P.O. POSTAL

Well, I'd like to respond to your suggestions. First of all, Christine Costigan never spoke to me about this. I spoke to her about some other issues during this time, she never raised any aspect of this bill, not one. And I did speak to her on two occasions about two other issues that the Division of Real Estate was involved in. I do feel that, first of all, when the bill is considered before the committee, I think that the Committee Chair or any member of the Committee can certainly ask that question about whether there's a basis for us to determine whether the cost is

higher or lower than if we didn't locate a building in downtown. I know that there were other issues raised, and for example, if there are no appropriate buildings in downtown, there's a waiver process. The waiver process kicks in when any member of this Legislature requests the County Executive to request a waiver. So that any Legislator has an opportunity to waive this statute if there's no appropriate space available, if the cost space in the downtown is considerably higher than cost elsewhere, if there are concerns and objections by the Legislator or members of the town, I mean, we all know that there are certain types of County office space or space -- I shouldn't say office space -- which would not be regarded as an asset to a downtown area.

In terms of what the downtown area is, the identity of downtowns, we would abide by the identity that we used for the downtown revitalization plan. And if in any way the Division of Real Estate felt that wasn't appropriate, they would certainly have the opportunity to come before us. But we used the definition of downtown, and we identified downtowns when we gave out a great deal of money. So I would assume that each of us accepts that the communities which got that money recognizes that those are valued downtown area. I would really like to move on this. This is, I think, a very positive step toward truly revitalizing downtowns. I think it corresponds with the same smart growth principles that we have all advocated, rather than building County office space or leasing County Office space out in some isolated area where County employees and the public don't have a place to go to buy something for lunch, don't have a place to go if they have a wait, they can go stand out in the middle of -- I don't know, the woods. And it also helps us to preserve some of our green space. I mean, a perfect example of locating a building, and we certainly didn't do this, but we cooperated in doing this, was the location of the Touro School of Health Sciences in Bay Shore. If you ever want to see a graphic example of what this can do, go through downtown Bay Shore now. And if you can remember what downtown Bay Shore looked like just a short time ago with vacant store fronts, and you see all of the various enterprises where somebody can buy lunch or a sandwich or a drink as well as stores like stationery stores and all of the clothing stores. You'll see that the Bay Shore downtown is revitalized for a number of reasons, but I think that the Touro School of Health Sciences certainly helped by bringing a large population to Bay Shore downtown on a regular basis. I think that the issue of the waiver really addresses a lot of concerns that might be brought up. And I would really like to move on this. Legislator --

LEG. FISHER:

Let's move it.

P.O. POSTAL

Legislator Caracappa.

LEG. BISHOP:

Call the question.

LEG. CRECCA:

Very good argument you made.

LEG. BINDER:

I 'd like to respond.

LEG. CARACAPPA:

My concern -- my question was related to the waiver. I am glad you said that, because as a member of the Space Steering Committee with Legislator Guldi, we have a tremendous problem finding space for -- currently we're trying to find a location for the Bay Shore Health Center. And what we're trying to do is keep it in the downtown area, but there's tremendous problems in finding adequate space in downtowns now a days, especially as it relates to parking. So as long as there's a waiver in there, I am comfortable.

P.O. POSTAL:

Thank you.

LEG. BINDER:

Madam Chair, if I could respond. My -- I still have concerns. The concerns -- one of the concerns, though, you say that downtown revitalization money definition would be used here, it's not in here. There's nothing here that says that's the definition. My concern is you've got -- you've got a penalty provision in here, and you put people at risk and their jobs at risk, it would seem to me that there has some responsibility on our part to make sure that they're absolutely clear in the legislation as to what is it responsibility, that's number one.

Number two, I don't know that it's a good idea on a case-by-case basis to be asking the questions, because if it's not asked on the cost factor, then it's not asked, the cost through here, no one's asked and no one knows. And then if we do ask in the middle of the process, then they

have to go back if they haven't done an analysis like that, now it could slow the whole process down. It would seem to me if they knew in the legislation that with each one they sent over they've got to give a cost analysis --

LEG. HALEY:

Economic analysis.

LEG. BINDER:

-- which would show what it would cost and what it will cost in a downtown, then we're here with information. I think it's incumbent upon us to have full information. When we vote on something, we should have fully in front of us. I don't know why -- and I don't want to debate the merits of it, because the merits I don't think are very debatable, it's -- it would improve downtowns, it's good to have it. It would seem to me that one meeting is not going to change in putting -- just perfecting the bill a little bit, is not going to -- giving us more information is not going to change the fact that we're going to be able to do this soon. I think it's good, but we should -- let's get it right the first the time, it would seem to me.

LEG. ALDEN:

Call the vote.

LEG. BINDER:

So I have a motion to table.

LEG. HALEY:

I second it.

P.O. POSTAL

Roll call on tabling.

LEG. HALEY:

I never got to speak, you know.

P.O. POSTAL:

I'm sorry.

LEG. HALEY:

I totally agree -- you know, downtown revitalization has been very important to each and every one of us. And what's amazing to me is based on your definition, you're thinking of putting a County building in downtown Rocky Point. I just can't imagine that, because that obviously would meet your definition. Although, I'm opposed to your resolution because I don't think it's the position of government to go down and attempt to revitalize by putting in government buildings, I think we should create an environment within which those downtowns can flourish.

Secondly, what my biggest concern is, not every downtown as we loosely define it may have an interest in having a County building down there.

Thirdly, what type of County building might that be? So when you loosely say -- and excuse the expression -- that well, a Legislator may have a problem with that. I think we need to take it a step further. I think you have to make sure there's public hearings and make sure that, in fact, if you're going to do something that you believe accrues the interest of a downtown area, that that downtown area, in fact, has an awful lot to say about it.

P.O. POSTAL

The waiver process permits a great many sources to convey their concern through the Legislature. I just feel that the Legislator is a natural conveyance.

LEG. HALEY:

What would be the process? Let's say you were going to put something in Patchogue. Well, Brian would go probably along with anything.

LEG. FOLEY:

Not quite.

LEG. HALEY:

But what would be the process of informing the village in that particular case, or let's pick Rocky Point. Village is easy, you call Village officials. Let's take Rocky Point point as an example. All right. What's your process by which they can -- they just -- you're going to assume that they know about the resolution and that they're going to automatically, you know, come down and speak their mind or would you have a public hearing say in that particular community?

P.O. POSTAL

The only thing I can say, then I'm going to give Legislator Foley, Legislator Caracciolo and Legislator Lindsay and Legislator Carpenter a chance to speak, is I can only tell you how I have done it. I have the community of Wyandanch, which has addressed issues such as the road reconstruction on Straight Path and the creation of an Empire Zone in Wyandanch. And when I'm aware, and I'm pretty good at being aware of what's going on in my district, I notify all of the community organizations. Ann Stewart was here from the Weed and Seed, you know, and we were reconstructing --

LEG. HALEY:

That's great, but that's not memorialized in the policy. You are a wonderful Legislator, that's good.

P.O. POSTAL:

Thank you. I think so, too. But I think that the point is that you can -- we're supposed to make policy, that's our job. We're not supposed to implement policy. That's the Executive Branch's job. I think that every time we go past making policy and attempt to establish rules and guidelines and implementation, we get accused of micromanaging.

LEG. HALEY:

No.

P.O. POSTAL

Yes. So I think that I am doing what I am supposed to do as a Legislator, and making policy and allowing the Executive Branch to develop the procedures to implement that policy.

LEG. FOLEY:

Right. Exactly.

P.O. POSTAL

I can't do more than that. If I do more than that, then I certainly shouldn't be a Legislator and I should have a different title. Maybe I should be a Commissioner. I'm going to recognize Legislator Caracciolo, then Legislator Lindsay, then Legislator Foley and Legislator Carpenter and Legislator Nowick.

LEG. CARACCIOLO:

I'd like the Chair as the sponsor to just summarize what the real intent of this bill is. It's to locate County office space and facilities in downtown areas. But to get back to Legislator Haley's concern, this would not mandate that the County build all these spaces in downtown areas.

LEG. BINDER:

Yes, it does.

LEG. CARACCIOLO:

It mandates?

P.O. POSTAL

It mandates but it provides a waiver, so that if there were circumstance which made it undesirable or impossible to do so, that that could be a situation where it would not be mandated for that particular space to be located in the downtown.

LEG. CARACCIOLO:

And who makes the determination as to what County office space is leased or built or what County facility is leased or built in what downtown community?

P.O. POSTAL

Nothing would change in the way that we currently operate with securing and leasing our County space, everything would remain exactly the same, except that when we go out and we look at prospective sites, instead of looking in the undeveloped areas of Suffolk County, which I think most of us would prefer to see remain green, we would look at our downtowns, which could benefit from the additional traffic of both County employees and members of the public. That's all.

LEG. BISHOP:

Aye, yey, yey, yey, yey.

LEG. CARACCIOLO:

I understand that, but when I think about -- maybe Fred as a member, a longstanding member of Space Management Committee, the County essentially has three, four, if you will, major

governmental hubs; here in the Town of Southampton; one in Hauppauge, Yaphank, and, I guess, some might argue Bay Shore, up until recently. We have other buildings in other places, but those are the major complexes. So where else are we leasing large amounts of space outside of the Hauppauge area, which again, given the geographical center of the -- the population in the County, it belongs -- I mean, I don't know if -- I understand the intent behind the legislation, I just don't know if you are going to obtain the real objective and serve the needs of the population throughout the County. So where -- where else besides Hauppauge, Fred, do we have large amounts of leased space?

LEG. CARPENTER:

Bohemia.

LEG. FOLEY:

Vets Highway.

MR. POLLERT:

It is primarily Hauppauge, and in the Hauppauge area, there are however, quite a few leases that are going to be coming up in the near future in the Hauppauge area, that I believe the Legislative intent is to find out whether or not those leases could be relocated to downtown areas.

LEG. CARACCILOLO:

All right. Now what agencies or departments are in those facilities?

MR. POLLERT:

Specifically, the one that's coming up before the end of the year is the Department of Social Services Administration Building.

LEG. CARACCILOLO:

Okay. Should that be located in a central location or would it be suitable for downtown space in Amityville, for example?

MR. POLLERT:

That's something that probably without the resolution of the committee we'd never be looking at. We would just continue the negotiations at the existing site.

LEG. CARACCILO:

Well, why wouldn't you look elsewhere for a competitive bid in other office space?

LEG. FOLEY:

Can I answer that?

P.O. POSTAL

Well, if you don't mind. Am I right, it's the Parr Building in Ronkonkoma, the DSS Building?

MR. POLLERT:

No. No. Actually, that's going to be a new building.

P.O. POSTAL:

A new building. But, you know, that's going to be built to suit, right?

MR. POLLERT:

That's built to suit.

P.O. POSTAL

If I remember correctly, that's going to cost us 40 to \$50 million, something like that.

MR. POLLERT:

Yes. Over the term of the lease, yes.

P.O. POSTAL

What's it near?

MR. POLLERT:

It's close to the airport.

P.O. POSTAL

It's close to the airport so that the people who are using that building are going to be located someplace where they would not benefit any of our traditional downtowns, and we're paying 40 or \$50 million to do that.

LEG. CARACCILO:

But when you think about downtown areas and the way they've been built out historically, there aren't many downtown areas that could accommodate a building of that size with ample parking.

P.O. POSTAL

You know something? If you did demolition, it wouldn't cost you 40 to \$50 million like that building is.

LEG. CARACCILO:

What do you mean demolition?

P.O. POSTAL

If you demolished some of the building in a traditional downtown --

LEG. CARACCILO:

Who's going to pay for that?

P.O. POSTAL

I'm going to recognize Legislator Foley, because he had an answer for you, because he has a graphic example of how this actually works in reality, not just pie in the sky.

LEG. CARACCILO:

Before you do that, I think about Patchogue, I think about Swezey's and how they've almost gone out of business because they built their own new building. Well, it's a fact. Okay. So I have a concern about -- I mean, the thing, the attempt is meritorious, however, I don't know that in practicality you can really achieve the goal. And then the other reservation I have is where you have a local village or town, Town of Riverhead, for example, they don't want governmental offices on Main Street.

P.O. POSTAL

They don't have to have it.

LEG. CARACCILO:

All right. Okay. As long as there's, as you said, a waiver provision. And how does the waiver

provision work, again?

P.O. POSTAL

Anyone can come to you, for example, if it's in Riverhead as the representative of the area, and make you aware of their concerns, and you can then secure a waiver from the County Executive that would come before the Legislature that would enable the building that was in question to be located elsewhere.

LEG. CARACCILO:

When you say secure a waiver from the County Executive --

P.O. POSTAL:

Right.

LEG. FOLEY:

Resolution.

LEG. CARACCILO:

Resolution. Well, I could sponsor a resolution, I don't have to go to the County Executive.

P.O. POSTAL

Well, you could.

LEG. CARACCILO:

But now it requires another legislative action, and if the majority of the people around the horseshoe feel, well, thank you very much, Legislator for the first, but we think we want to put this facility there, then over objections of the district legislator and town officials, a town could wind up with something that undesirable.

P.O. POSTAL:

I am just going to respond to you, then I'm going to recognize Legislator Foley. If you don't mind, I will respond to you. I think this Legislature has by and large respected the prerogative of the Legislator who represents a particular district. On occasion, that may not have happened, but I think almost all of the time that has happened -- I think Legislator Carpenter will tell that you there was an issue in her district a number of years ago, I think it was her district, where

something was not desirable for the community and was not an asset to the community, and even though there were plans to locate something in her district, those plans were changed. So I think that there is a procedure in place, and I think that our alternative is to abdicate all responsibility as -- we've had a great deal of difficulty with the Bay Shore Health Center for example, where Bay Shore Health center needed to be relocated, and how long have we spent, Legislator Foley, on trying to --

LEG. FOLEY:

Years.

P.O. POSTAL

Years. And, you know, all kinds of strange locations have been suggested and examined. And the Coram Health Center is another one.

LEG. FOLEY:

That was decades.

P.O. POSTAL

Sixteen years ago I visited Coram DSS and Health Center and watched particles falling from ventilation system on to the employees. After all of this time, we're now finally moving to locate that facility in a better place.

LEG. BISHOP:

Okay.

P.O. POSTAL

So there are all kinds off provisions that allow for exceptional situations. And the concept here is do we want to pursue a philosophy of smart growth, which I think this Legislature voted to do in the past, or do we want to continue to locate these County offices in places where they're isolated, where they will not benefit anybody and where we're probably paying top dollar. Although I acknowledge that Legislator Binder may be right and, you know, we need to question in our committee what the comparative costs would be. But I suggest that there are all kinds of provisions in this bill that would not lock us into something -- some place that we don't want to be.

(RETURN OF STENOGRAPHER - LUCIA BRAATEN)**LEG. CARACCILO**

Where in the resolution does it provide for a waiver? I don't have a corrected copy, if there is one.

MR. SABATINO:

It's the fifth "resolved".

P.O. POSTAL:

And while you look at that, I'm going to recognize Legislator Foley.

LEG. FOLEY:

Thank you, Madam Chair. This resolution is going to be extremely important for our downtown areas. To give you one graphic example, years ago there was a portion of West Main Street where the buildings were -- literally were falling apart. The County moved forward on a bi-partisan with then County Executive Cohalan, Tony Noto, who was the Chair of Public Works, John Foley and the -- Norman Lechtrecker, where they took this area, they knocked down the dilapidated buildings, they put the Sixth District Court, and that particular area is doing exceedingly much better now than it did in the past. It's brought people into the area. They shop in the area, they work in the area, they go to lunch in the area. The same will hold true in the recent future in Lindenhurst, where the District Court will be placed there. So what this is basically going to do, it's going to institutionalize that approach to look at placing County facilities in downtown areas. And if there are any -- if anyone has any concerns about certain kinds of government offices not being placed in a downtown area, the sponsor of the bill has addressed that through the waiver system. And as far as developing the rules and regulations, that will be left to the Administration to do. But this bill, I am telling you this bill can make a world of difference in the particular downtowns where some future governmental buildings will be placed. I cannot overemphasize, I cannot exaggerate the importance of what this bill can do. And to the one who's asking most of the questions, which is Legislator Caracciolo, the fact of the matter is, if it wasn't for the court system in Downtown Riverhead, the place would be a ghost town.

LEG. FIELDS:

Call the vote.

LEG. CARACAPPA:

Call the question.

P.O. POSTAL:

Okay. We have a motion and a second, right, Henry?

MR. BARTON:

Yes.

LEG. HALEY:

Roll call.

P.O. POSTAL:

Roll call.

LEG. CARACAPPA:

This is on the tabling?

MR. BARTON:

On the tabling. Legislator Binder.

P.O. POSTAL:

Is this on tabling? Wait. Wait.

MR. BARTON:

This is the tabling, yes.

P.O. POSTAL:

This is on a motion to table.

MR. BARTON:

Yes.

LEG. BINDER:

Yes.

(Roll Called by Mr. Barton, Clerk)

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

No.

LEG. TOWLE:

(Not present)

LEG. FISHER:

Table? No.

LEG. FOLEY:

No.

LEG. LINDSAY:

Yes .

LEG. FIELDS:

No.

LEG. ALDEN:

No.

LEG. CARPENTER:

No.

LEG. CRECCA:

Pass.

LEG. NOWICK:

Pass.

LEG. BISHOP:

Pass.

LEG. TONNA:

Yes, to table.

LEG. COOPER:

Pass.

LEG. CARACAPPA:

No.

P.O. POSTAL:

No.

LEG. TOWLE:

No, to table.

LEG. CRECCA:

No, to table.

LEG. NOWICK:

No.

LEG. BISHOP:

No.

LEG. COOPER:

No.

MR. BARTON:

Five.

P.O. POSTAL:

Motion to approve.

LEG. FOLEY:

Second.

LEG. FIELDS:

Second.

P.O. POSTAL:

Seconded by Legislator Foley.

LEG. CRECCA:

Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Pass.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

No.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

No.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. CARACCILO:

Yes.

MR. BARTON:

Legislator Lindsay, were you a yes?

LEG. LINDSAY:

Yes.

MR. BARTON:

Thank you. 15-3.

[THE FOLLOWING WAS TRANSCRIBED BY LUCIA BRAATEN]

P.O. POSTAL:

1048 is approved.

HEALTH, EDUCATION AND YOUTH

Health, Education and Youth. 1140 - Authorizing the County Executive to execute an agreement with the Guild of Administrative Officers, Suffolk County --

LEG. GULDI:

Motion.

LEG. TOWLE:

Motion.

P.O. POSTAL:

-- Community College, (covering the terms and conditions of employment for the

period September 1, 2002 through August 31, 2005.)

LEG. TOWLE:

Motion.

LEG. HALEY:

Second.

P.O. POSTAL:

It's hard to understand you all. Motion by Legislator Foley, seconded by Legislator Haley. Roll call.

MR. BARTON:

Legislator Foley.

LEG. FOLEY:

Yes.

LEG. CARACCILOLO:

Hold it. On the motion.

P.O. POSTAL:

On the question, Legislator Caracciolo.

LEG. CARACCILOLO:

The financial impact. And I've read the report, but I just want to put it on the record.

P.O. POSTAL:

Okay. Fred.

LEG. BISHOP:

The report's been put on the record.

LEG. FOLEY:

The report is --

LEG. CARACCIOLO:

Let's put it on the record.

LEG. FOLEY:

The report is -- the report is part of the record.

P.O. POSTAL:

Listen, let's not argue, because let's just get the report, it will be a lot faster.

MR. POLLERT:

Yes. Budget Review Office issued a report. The fiscal impact statement is very close to the County Executive's revised fiscal impact statement. The contract roughly parallels that of the Faculty Association. There are no hidden clauses within the contract. The approximate increases are 3% on September 1st of 2002, 2003 and 2004.

P.O. POSTAL:

Okay. We have a motion and a second. And I believe that we were going to have a roll call, so let us proceed.

(Roll Called by Mr. Barton, Clerk)

LEG. FOLEY:

Yes.

LEG. HALEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Pass.

LEG. CRECCA:

Pass. Is this on the Guild?

P.O. POSTAL:

The Guild.

LEG. CRECCA:

The Guild.

P.O. POSTAL:

The Guild.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Oh, I'm sorry.

LEG. CRECCA:

Yes.

LEG. CARPENTER:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

Yes.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yes.

LEG. POSTAL:

Yes.

MR. BARTON:

18.

P.O. POSTAL:

1140 is approved. Budget Committee.

AUDIENCE MEMBER:

Thank you very much.

P.O. POSTAL:

You're very welcome.

LEG. FISHER:

Thanks for your patience.

BUDGET COMMITTEE

P.O. POSTAL:

1104 in Budget - Amending the (2003) Operating Budget to appropriate funds for the Community College Tuition Assistance Program for Volunteer Firefighters. Legislator Carpenter makes a motion to approve, I'll second it. All in favor?

LEG. CRECCA:

Henry, cosponsor.

LEG. COOPER:

Cosponsor, Henry.

MR. BARTON:

18.

LEG. FOLEY:

Cosponsor, Henry.

LEG. CARACAPPA:

Cosponsor, Henry.

LEG. ALDEN:

Cosponsor.

LEG. GULDI:

Cosponsor.

LEG. CARACCIOLO:

Cosponsor.

P.O. POSTAL:

1104 is approved. **1114 - Amending the Adopted 2003 Operating Budget and creating positions in the Board of Elections.**

LEG. HALEY:

Motion to table.

LEG. TOWLE:

Second.

P.O. POSTAL:

I'll second that. All in favor?

LEG. TONNA:

Motion to table?

P.O. POSTAL:

Motion to table.

LEG. TONNA:

Just why are we adding positions?

P.O. POSTAL:

Well, first of all, we're tabling it right now.

LEG. TONNA:

Yeah, but why are we even looking at adding post ions?

P.O. POSTAL:

Well, because the Republican Commissioner of the Board of Elections had requested these clerk positions and they were not -- excuse me, they were not included in the budget. The other

position is a corresponding position to one which already exists, which is, first of all, what the State law requires that there be corresponding positions, but also because the Federal government has now mandated that we must have equipment that provides blind people with the ability to vote. So we're going to have to be providing the opportunity for people who are blind and visually impaired to vote by voice.

LEG. TONNA:

Can I make a request period of time Presiding Officer, then.

P.O. POSTAL:

Excuse me?

LEG. TONNA:

Can I make a request for you, because it's -- you're going to -- you made a motion to table, right?

P.O. POSTAL:

Yeah.

LEG. TONNA:

Yeah. Could I make a -- could I make a request that -- with the Board of Elections?

LEG. ALDEN:

I can't hear him.

LEG. TONNA:

I would just ask that they -- if, instead of creating positions, that they look at the issue of maybe realigning their positions, so that they can take care of the federal guidelines that they have. That would seem much better to me, a use of the Board of Elections and creating new positions, and then being in a situation where they have to have parity between the Republican --

LEG. CRECCA:

On the motion.

LEG. TONNA:

-- positions and the Democratic positions. So maybe they can cut some of the other stuff that they're doing and then reassign that like almost any other corporation would do in tough financial times when reassigning a work force. I'd like to see that plan.

P.O. POSTAL:

Legislator Crecca.

LEG. CRECCA:

Yeah. I just wanted to say that the -- my understanding is, as to the four positions, that the reason they're there is that it doesn't meet right -- currently meet the parity laws and that we need to add those four Republican positions to meet the New York State requirements of parity. The other position is the one I think that's more questionable and that's something we should address. I don't need to address it now, but --

P.O. POSTAL:

Well, I would just suggest that is also an issue of parity.

LEG. CRECCA:

Well, the person who's in that position was hired by both Commissioners as a nonpartisan person.

LEG. FOLEY:

This is being tabled.

P.O. POSTAL:

Well, this is being tabled right now.

LEG. CRECCA:

That's what I'm saying, so I said -- I said I would discuss it --

P.O. POSTAL:

This is being tabled right now.

LEG. CRECCA:

Right.

LEG. GULDI:

On the tabling motion.

P.O. POSTAL:

Yes.

LEG. GULDI:

I'm not going to support the tabling. I want to put on the record --

P.O. POSTAL:

Excuse me?

LEG. GULDI:

I'm not going to support the tabling and I want to put on the record why, and that is there is no such thing as a nonpartisan position under the Election Law at the Board of Elections. To table this resolution and not establish parity is a violation of the Election Law, and as long as it continues without that parity, I can't support its tabling, it's something we have to do.

LEG. CRECCA:

Well, who was that person that was hired by both Commissioners, then, that position?

LEG. FOLEY:

No, that's not the current Commissioners.

P.O. POSTAL:

That's not --

LEG. GULDI:

There is -- it's not current Commissioners, and there is no such thing as a nonpartisan position under the Election Law.

LEG. TONNA:

Madam Presiding Officer.

LEG. GULDI:

It doesn't exist.

LEG. TONNA:

The way -- Madam Presiding --

P.O. POSTAL:

Legislator Tonna.

LEG. TONNA:

Yeah. The way that you establish parity is then cut one or cut two. The Board of Elections can do it unilaterally. Why would we want to add? Why is it always add? Just cut them, so you have absolute parity. Is there one more Republican, is that what it is? So cut him. If it's one more Democrat, cut him or -- and realign four more Republicans -- Dems, then cut them, just like we should have done if there's four more Republicans. I thought they were Republicans, to tell you quite honestly. Just cut them, that's all, period.

P.O. POSTAL:

Well, with --

LEG. TONNA:

Or have one of them -- have two of them redo their registration.

LEG. GULDI:

Easy for you to say.

LEG. BINDER:

No. Call up Frank Petrone.

P.O. POSTAL:

Well, you know, we could all --

LEG. TONNA:

Frank might switch back.

P.O. POSTAL:

Excuse me. Legislator Tonna, we could all cut at least one Aide out of each of our offices and save a heck of a lot of money.

LEG. HALEY:

I'll second.

LEG. TONNA:

All right.

LEG. HALEY:

Second.

LEG. TONNA:

All right.

P.O. POSTAL:

So I made a motion -- I think I seconded a motion to table this.

LEG. TONNA:

But we don't have a parity issue. We don't have a parity issue.

P.O. POSTAL:

There was a motion to table and it was seconded. And I'd like to ask for a vote. All in favor of table? Opposed?

LEG. GULDI:

Opposed.

LEG. FIELDS:

Opposed.

LEG. CARACCILO:

I'll sponsor that resolution, Maxine. That was a good suggestion.

MR. BARTON:

Legislator Fields and Legislator Guldi. Anybody else in opposition?

P.O. POSTAL:

Who else was opposed to tabling?

MR. BARTON:

16-2.

P.O. POSTAL:

Okay. 1114 is tabled. **1117 - Amending the 2003 Operating Budget to transfer and appropriate funds for Family Service League Programs.**

LEG. COOPER:

Motion to approve.

P.O. POSTAL:

Motion to approve by Legislator Cooper, I'll second that. It approved out --

LEG. ALDEN:

On the motion.

P.O. POSTAL:

Approved out of committee 3-0-0-1. Legislator Alden.

LEG. ALDEN:

I'm going to address this question, I guess, to the Chairman of the Budget Committee. My office has had a number of inquiries from other people that were cut out of the last -- out of the 2003 budget, and I just want to see that if you have looked at amending the 2003 budget to include increases for Family Service League, what other increases would be appropriate, because there's literally scores of agencies that have contacted me about restoration of funds.

LEG. LINDSAY:

Could I answer that?

P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Just that this is really an internal thing. They're reallocating money from within the Family Service League.

P.O. POSTAL:

So that it's going from one Family Service League program to another Family Service League program.

LEG. FOLEY:

Yep.

LEG. ALDEN:

All right.

P.O. POSTAL:

Thank you.

LEG. FOLEY:

Cameron, that was good point.

P.O. POSTAL:

Okay. We have a motion and a second, I believe. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

1117 is approved. **1138 - Amending the Adopted 2003 Operating Budget and appropriating funds in connection with Suffolk County Planning Federation for Smart Growth Policy Plan Training.** It was approved 3-0-0-1. Motion by Legislator Fields.

LEG. CARACCILOLO:

On the motion.

LEG. FOLEY:

Second.

LEG. CARACCILOLO:

What's the offset?

P.O. POSTAL:

Second by Legislator Foley.

LEG. BISHOP:

There is no the offset in budget.

LEG. CARACCILOLO:

Budget? Oh.

LEG. CARACCILOLO:

Legislator Caracciolo is asking --

LEG. BISHOP:

I gave him the answer.

P.O. POSTAL:

You gave him the answer? Did you hear his answer?

LEG. CARACCILOLO:

Yes, I did.

P.O. POSTAL:

Okay.

LEG. FIELDS:

On the motion.

P.O. POSTAL:

Okay. Legislator Fields.

LEG. FIELDS:

Can I just say one thing? Back in October, the Planning Department gave a seminar on Planning Board fundamentals, Zoning Board fundamentals, and SEQRA community character issues. And if you look at -- if you look at what's been passed around to each of you, I think you'll find that, I believe, every town and municipality just about had someone come to this seminar, and in addition, they were given a CD on local government handbook, I'll pass it down this way, a "Planning Basic Training" CD, "Partnering for a Better New York" CD, Citizens Guide to SEQRA, Local Officials Guide to SEQRA, the SEQRA Cookbook, Suffolk County Planning Commission Subdivision guide book, and a Planning Basic, Training very large book. It was a well attended, something like 250 people attended the seminar and --

P.O. POSTAL:

Could we just have your patience for just a few minutes? We really have just a few resolutions left, so --

LEG. BISHOP:

You're filibustering.

LEG. FIELDS:

I'm not filibustering.

D.P.O. CARACAPPA:

What's the offset?

P.O. POSTAL:

David, when other people talk, they're filibustering, when you talk, you're providing testimony.

LEG. FOLEY:

You have our votes, let's go.

P.O. POSTAL:

A little at a time.

LEG. FIELDS:

Thank you.

LEG. TONNA:

On the motion.

LEG. BINDER:

On the motion. On the motion.

P.O. POSTAL:

Okay.

LEG. BINDER:

Madam Chair.

P.O. POSTAL:

On the motion, Legislator Binder.

LEG. BINDER:

As you read down the list, there are people here from villages, towns, ZBA's. It would seem to me that they can cover the cost of their own participation, so, in these times, I think we should be paying for it, so I'm voting no.

P.O. POSTAL:

Okay. We have a -- I think we have a motion and a second, Henry?

LEG. CRECCA:

Yes.

MR. BARTON:

Yes.

P.O. POSTAL:

Roll call.

LEG. BISHOP:

Roll call.

(Roll Called by Mr. Barton, Clerk)

P.O. POSTAL:

Yes.

LEG. BINDER:

Why are we paying for this?

P.O. POSTAL:

Because, just because.

LEG. FIELDS:

Yes.

LEG. FOLEY:

Yes.

LEG. CARACCIOLO:

Yes.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes.

LEG. HALEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BISHOP:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

Yeah.

LEG. COOPER:

Yes.

LEG. CARACAPPA:

Yeah.

P.O. POSTAL:

Yes.

MR. BARTON:

17-1.

P.O. POSTAL:

1138 is approved. **1139 (Transferring Contingent Funding for various Contract Agencies (Phase I).**

LEG. HALEY:

Motion.

P.O. POSTAL:

Motion by Legislator Haley, seconded by myself. All in favor? Opposed?

LEG. CRECCA:

Is this -- this is just changing some designations? Are these --

P.O. POSTAL:

This is the specific list of --

LEG. LINDSAY:

Allocation money.

P.O. POSTAL:

All right.

MR. BARTON:

18.

P.O. POSTAL:

1139 is approved. **1153 - Amending the (Adopted 2003) Operating Budget and transferring funds in connection with transfer of Living Wage Unit.**

LEG. CARACCILO:

On the motion. I know there's going to be a motion.

P.O. POSTAL:

Yeah, wait. Committee report, approved 3-0-0-1. Motion by Legislator Bishop, seconded by --

LEG. HALEY:

Second,

P.O. POSTAL:

-- Legislator -- was that Haley? Okay. Question by Legislator Caracciolo.

LEG. CARACCILO:

Madam Chair, I understand this resolution transfers the responsibility for the Living Wage Unit from Audit and Control to Department of Labor. Question. Budget Review, how much money have we appropriated in the 2002 budget after we adopted a Living Wage Program in Suffolk County?

MR. POLLERT:

Roughly, 3 million dollars, of which none of it was spent.

LEG. CARACCILO:

Did we have this unit in place a year ago?

MR. POLLERT:

Yes, we did.

LEG. CARACCILO:

So we had administrative costs, but we had no program costs.

MR. POLLERT:

That's correct.

LEG. CARACCILO:

Question to Legislator Bishop. As the author of the living wage legislation, what is the

justification for us to continue to fund administrative costs for a unit that has yet to carry out the Legislative intent and Legislative policy of this County?

LEG. BISHOP:

You know what, if they don't carry out the policies, we should defund the unit. But the point is that the contracts that are -- the fund that is set aside for the living wage is for one aspect of the living wage. Just so you understand, it's just for the not-for-profit community -- not-for-profit vendors to bring their employees up to the living wage rate. For-profit entities are covered under the living wage and there's no funds set aside for them. So this fund is just for the not-for-profit. The Living Wage Unit spent last year, unfortunately, writing rules and getting ready to implement the program. I would have preferred, as would I'm sure everybody in the Legislature, that they got the program up and running last year.

I believe that we should have Brenda Rosenberg, as the Coordinator of the Living Wage Program, come to that portion of the meeting that's set aside for government official and she can give us an update on the program. I, certainly, am not going to defend a program that's not going to operate, but she assures me in private that she's getting the program up and running and that it will utilize this money and will utilize the money to raise salaries for people in the not-for-profit sector this year. So I think we should have her come to the next meeting of the Legislature.

LEG. CARACCILO:

Madam Chair, could you invite her to come? Also, when you look on a prorated basis, the amount of funding that's in place for 2003, two-and-a-half million dollars, and the fact that, to date, we have not spent one dime for Living Wage Program expense, it seems to me, Madam Chair, that there are funds that are accumulated in that account that could be used as offsets for other programs, like your proposal to fund the Jewish Y's, my proposal to fund, I think it's 30,000 \$40,000 for HUGS, which was an oversight by the Legislature. Goes back to Legislator Alden's question or inquiry about how his office receives, as we all have, inquiries from a number of agencies that were defunded this year. We could be using some of this money that's been laid aside by an agency that has yet to prove itself worthy of carrying out a very important program. And I say, Madam Chair, if they don't do that within the next 30 days, that we, in fact, pass legislation to eliminate the position that Brenda Rosenberg has and go right down the line until they get the message over there that this is a program we're serious about, and if they can't carry out our mandates, we'll hire people who can, or we'll have Budget Review Office, or

somebody else who can do it, do it.

LEG. LINDSAY:

Could I speak?

P.O. POSTAL:

Legislator Lindsay.

LEG. LINDSAY:

Yeah. On the issue, the administrative office that's in place, staff that's in place is basically an enforcement arm to make sure that the law's being complied with. The two-and-a-half -- the three million dollars last year, as well as the two-and-a-half million dollars this year, was envisioned as a subsidy for the non-profits that had trouble complying. The reason nobody used it last year, because the law wasn't fully in effect until July. And I think, if I'm not mistaken, some of the provisions didn't take effect until this year, so there was no need for the subsidy yet. And I think that the money from last year was reallocated, but I think it should be used this year.

LEG. CARACCILOLO:

That's not my understanding. Fred, could you shed some light on that?

LEG. BISHOP:

I can answer that. Everything he said --

LEG. CARACCILOLO:

I'd like to hear Fred's answer.

MR. POLLERT:

The funds from 2002 were not reallocated into 2003.

LEG. CARACCILOLO:

Why not?

MR. POLLERT:

They were transferred to cover in part the health insurance shortfall at the end of the year with

that special resolution.

P.O. POSTAL:

Okay. Bill?

LEG. LINDSAY:

I'm done.

P.O. POSTAL:

Okay. We have -- do we have a motion on this, Henry?

MR. BARTON:

Oh, yes.

P.O. POSTAL:

And we have a second. I lose track. Okay. Let's do a roll call.

(Roll Called by Mr. Barton, Clerk)

LEG. BISHOP:

Yes.

LEG. HALEY:

Pass.

LEG. CARACCIOLO:

No.

LEG. GULDI:

Yes.

LEG. TOWLE:

Yes.

LEG. FISHER:

Yes. Is this to pass, to approve?

MR. BARTON:

Yes.

P.O. POSTAL:

This is just to transfer.

MR. BARTON:

It's to approve.

LEG. FISHER:

To approve, yes.

LEG. FOLEY:

Yes.

LEG. LINDSAY:

Yes.

LEG. FIELDS:

Yes.

LEG. ALDEN:

Yes.

LEG. CARPENTER:

Yes.

LEG. CRECCA:

Yes.

LEG. NOWICK:

Yes.

LEG. BINDER:

No.

LEG. TONNA:

Yes.

LEG. COOPER:

Yes.

D.P.O. CARACAPPA:

(Not Present)

P.O. POSTAL:

Yes.

LEG. HALEY:

Yes.

MR. BARTON:

Legislator Caracappa (Not Present). 15-2, 1 not present. (Not Present: Leg. Caracappa)

P.O. POSTAL:

All right. 1153 is approved.

VETERANS AND SENIORS

Veterans and Seniors. **1098 - Authorizing the transfer of certain property of Suffolk County Department of Parks, Recreation and Conservation, South Holbrook Development Civic Association.** Committee report was four-nothing. Motion by Legislator Lindsay, seconded by Legislator Foley. All in favor? Opposed?

MR. BARTON:

Oh, I thought she had a question. I'm sorry.

P.O. POSTAL:

No. I'm waiting for you to give me a tally.

MR. BARTON:

18.

PARKS, SPORTS & CULTURAL AFFAIRS

P.O. POSTAL:

1098 is approve. Parks, Sports and Cultural Affairs. **2286 - Authorizing the transfer of certain properties to Suffolk County Department of Parks, Recreation and Conservation.** Approved 4-0-0-2. Motion by Legislator Fields, seconded by Legislator Fisher. All in favor? Opposed?

MR. BARTON:

18.

P.O. POSTAL:

Approved. Now --

LEG. FIELDS:

Legislator Postal.

LEG. CRECCA:

Henry, cosponsor on Sense 6.

P.O. POSTAL:

Legislator Towle.

LEG. TOWLE:

Yes. I want to make a motion to override **2317.**

LEG. GULDI:

Second.

P.O. POSTAL:

Okay. There's a motion to override **Resolution Number 96 of 2003, authorizing the sale of one surplus County car to the Suffolk County Police Department for use by the Suffolk County Police Museum.** The motion was made by Legislator Towle. I believe it was seconded by Legislator Guldi. All in favor?

LEG. ALDEN:

Just on the motion.

P.O. POSTAL:

On the motion, Legislator Alden.

LEG. ALDEN:

We're just giving this to them, right?

LEG. TOWLE:

No. The Police Museum group will pay the \$200 to accept the car to the Police Department.

LEG. ALDEN:

Correct me if I'm wrong, then. Doesn't it state on the veto message that we could just transfer this with, I mean, no payment, basically.

LEG. TOWLE:

They originally requested a fee, and the fee was set at the lowest fee that we normally set. So, to avoid -- yeah, to avoid any conflicts that we were giving a car for somebody for free, we did the \$200 and the Museum is paying for it. I had lunch with the Police Commissioner last week and he had no problem with this.

LEG. LINDSAY:

Could I ask a question? Is the Police museum part of the Police Department, though, or is it a separate entity?

LEG. TOWLE:

Well, I don't believe it's a separate entity, I believe it's part of the Police Department.

LEG. LINDSAY:

Okay. But wasn't -- that was what the veto was based on, that you can't --

LEG. TOWLE:

It was an issue of an amount of money as well, I think, Legislator Lindsay, based on what I've --

LEG. LINDSAY:

It's already owned.

LEG. TOWLE:

But it also talked about the money and also that it should just be transferred. But, as I said, the museum group is willing to pay the \$200 for the car. They need the vehicle for the museum and are willing to accept it, so --

P.O. POSTAL:

Legislator Fields, and then Legislator Caracciolo.

LEG. FIELDS:

As part of the veto message says, "The Police Museum is a Unit of the Suffolk County Police Department and not a not-for-profit or nonprofit corporation or organization. Therefore, vehicles cannot be sold to the Museum pursuant to this section of the Charter." I would ask Counsel if that is, in fact, truth.

MR. SABATINO:

Well, the original bill called for it to be transferred directly to the museum, properly so under that section. Then something was expressed to Legislator Towle by the Police Department that they wanted to be the intermediary between the museum, which made no sense to me, but to facilitate the transaction, the idea was to get the vehicle to the museum. If they wanted to have an intermediary to get it to the museum, this was the way to do it. That's how it happened, I mean.

LEG. FIELDS:

But -- so is that true?

MR. SABATINO:

Well, it's almost -- it's like who cares. The idea is to get the car to the museum.

LEG. GULDI:

It's not about the \$200.

LEG. TOWLE:

Counsel, with all due respect, this is groundbreaking legislation. We're taking hours of time to give a car to our own people. Let's move on here, please.

MR. SABATINO:

We tried to do it every way possible.

LEG. TOWLE:

And now matter what we did, they didn't like it.

MR. SABATINO:

We never would have changed the bill, except the request that was made.

P.O. POSTAL:

Well, we have a motion to override and a second. All in favor?

LEG. CARACCIOLO:

On the -- on that motion.

P.O. POSTAL:

Oh, I'm sorry.

LEG. CARACCIOLO:

Wait a minute.

P.O. POSTAL:

Legislator Caracciolo.

LEG. CARACCIOLO:

On the motion. I think this gets back to Legislator Fields' point. Is it appropriate for the Legislature to override the veto, given the veto message that's attached?

LEG. GULDI:

We disagree with it.

LEG. CARACCILOLO:

Wait a minute.

MR. SABATINO:

I don't know what the point of the veto message is, Legislator Caracciolo. Legislator Towle wants to get a County vehicle to a County museum. It takes a resolution to do it. He tried to do it the direct way the first time, was told do it the indirect way, he did it the indirect way, now the indirect way is being criticized as being inappropriate. This resolution, if it's overridden, will get the vehicle to the place he wants to the vehicle to get to. What else can we do? We're not going to pass a Charter Law to do it.

LEG. TOWLE:

Could we do a public referendum?

P.O. POSTAL:

All right. We have a motion to override the veto and a second. All in favor?

LEG. GULDI:

I think Counsel's getting cranky.

P.O. POSTAL:

Opposed? Okay. The veto is overridden. We have --

MR. BARTON:

16, 2 not present. (Not Present: D.P.O. Caracappa and Leg. Haley).

P.O. POSTAL:

Okay. Thank you. That's overridden. We have two late-starters. We have **Introductory Resolution 1217, to adopt a local law to amend the living wage law for transition to full implementation.** Motion to waive the rules and lay it on the table by Legislator Bishop, seconded by Legislator Lindsay, and to set the public hearing for April 8th, 2003. It's assigned

to Ways and Means. All in favor? Opposed? It is laid on the table.

Motion to waive the rules and lay on the table **Introductory Resolution 1214, appropriating funds for improvements to HYO Suffolk County complex field, Town of Islip.** Assigned to the Health Committee. Motion by Legislator Crecca, seconded by Legislator Carpenter. All in favor? Opposed? 1214 -- I did that, but I'll say it again, assigned to Health, and it's laid on the table. Now, we have -- oh, we have more.

LEG. FOLEY:

Sense.

LEG. FISHER:

Sense.

MS. BURKHARDT:

These are motions to waive the rules and approve.

P.O. POSTAL:

Oh, these are senses, yeah. We have -- first, let's do the senses that are on our agenda.

Sense 6 (Memorializing resolution requesting Federal government to ensure same rates for HMO services for senior citizens in Suffolk County as in New York City).

LEG. TOWLE:

Motion to approve.

LEG. FOLEY:

Second.

P.O. POSTAL:

Motion to approve by Legislator Towle, seconded by Legislator Foley. Approved 4-0 out of committee. All in favor? Opposed?

LEG. ALDEN:

Cosponsor.

LEG. GULDI:

Cosponsor.

LEG. FOLEY:

Cosponsor, Henry.

LEG. CRECCA:

Madam Chairman.

LEG. FIELDS:

Cosponsor.

LEG. CRECCA:

Madam Chairman.

P.O. POSTAL:

All in favor? Opposed?

LEG. CRECCA:

Madam Chairman?

P.O. POSTAL:

Wait.

MR. BARTON:

16, 2 not present. (Not Present: D.P.O. Caracappa and Leg. Haley)

P.O. POSTAL:

Sense 6 is approved.

LEG. CRECCA:

On the -- and I apologize, I don't remember the number, on the HYO bill.

P.O. POSTAL:

Yes.

LEG. CRECCA:

You assigned it to Health. That should be assigned to either Parks or --

LEG. FISHER:

Well, it's Health, Education and Youth, that committee.

LEG. FOLEY:

Education and Youth.

LEG. ALDEN:

{ Yutes} .

LEG. GULDI:

{ Yutes} .

LEG. FISHER:

For the youths.

P.O. POSTAL:

Okay. **Sense 7 (Memorializing resolution requesting Metropolitan Transportation Authority (MTA) to keep Long Island Railroad (LIRR) separate).**

LEG. CARPENTER:

Motion by -- was that Legislator Carpenter? Motion by Legislator Carpenter.

LEG. FIELDS:

Second.

P.O. POSTAL:

Seconded by Legislator Fields. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: D.P.O. Caracappa and Leg. Haley)

P.O. POSTAL:

Sense 7 is approved. **Sense 9 - Sense of the Legislature resolution supporting RSVP in its bid to become a self sponsored grantee.**

LEG. CARPENTER:

Explanation.

P.O. POSTAL:

Legislator Foley, motion to approve.

LEG. FISHER:

Second.

P.O. POSTAL:

Seconded by Legislator Fisher. Approved 4-0 out of committee. Can you just restrain yourselves for less than five minutes and we can get everything done. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: D.P.O. Caracappa and Leg. Haley).

LEG. FOLEY:

Thank you.

P.O. POSTAL:

Sense 9 is approved. Now I have a motion to waive the rules and lay on the table and approve Sense 17, which is in everybody's packet. Please, look through what you have and find **Sense 17**, by Legislator Guldi. It's a memorializing -- and it's been distributed, anyway, **Memorializing resolution requesting the State of New York to reject Governor Pataki's proposed new regulatory fee for the Total Handle of Suffolk Regional Off Track Betting Corporation.** What is this --

LEG. FISHER:

Oh, right, right.

P.O. POSTAL:

Right.

LEG. GULDI:

If I may. This would merely increase property taxes by slightly over a million dollars by the State, balancing its budget by taking money from OTB that is otherwise going to Suffolk County. It simply requests rejecting that portion of the --

LEG. CARACCILOLO:

Cosponsor.

P.O. POSTAL:

There's a second by Legislator Crecca. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: D.P.O. Caracappa and Leg. Haley)

P.O. POSTAL:

Sense 17 is approved. **Sense 19 - Memorializing resolution requesting New York State Attorney General to investigate diversion of LIPA ratepayer monies to political polling.**
Motion --

LEG. CARACCILOLO:

Cosponsor.

LEG. GULDI:

Cosponsor.

LEG. CARACCILOLO:

Cosponsor.

P.O. POSTAL:

Legislator Caracciolo, seconded by Legislator Guldi.

LEG. CARPENTER:

Could you repeat that, please? I'm sorry.

P.O. POSTAL:

Oh, it's -- I'm sorry. Motion by Legislator Fields, if you don't mind, seconded by Legislator Caracciolo. All in favor? Opposed?

LEG. CARPENTER:

On the motion.

P.O. POSTAL:

Yes.

LEG. CARPENTER:

I did not hear the title of the resolution.

P.O. POSTAL:

Oh, the title was requesting New York State Attorney General to investigate the diversion of LIPA ratepayer monies to political polling, and you saw the Newsday article. All in favor? Opposed?

MR. BARTON:

16, 2 not present. (Not Present: D.P.O. Caracappa and Leg. Haley)

P.O. POSTAL:

Sense 19 is approved. **Sense 20 - Motion to waive the rules, lay on the table and approve memorializing resolution requesting New York State Comptroller to investigate diversion** -- this is the same one.

LEG. FIELDS:

No, it's not.

P.O. POSTAL:

No, it's a different one?

LEG. BISHOP:

This is the Comptroller.

P.O. POSTAL:

Oh, I'm sorry. The Diversion of LIPA ratepayer monies to political polling. Motion by Legislator Fields, seconded by Legislator Cooper. All in favor?

LEG. GULDI:

Cosponsor.

P.O. POSTAL:

Opposed? Cosponsor, Legislator --

LEG. CARACCILO:

Cosponsor.

P.O. POSTAL:

-- Guldi.

LEG. ALDEN:

Cosponsor.

P.O. POSTAL:

Is there anyone who does not want to be a cosponsor on this?

LEG. GULDI:

Legislator { Byshop} .

LEG. CRECCA:

I don't.

LEG. BISHOP:

{ Byshop} , I don't --

P.O. POSTAL:

You don't want to?

LEG. CRECCA:

I don't want to be a cosponsor.

P.O. POSTAL:

Legislator Bishop --

LEG. BISHOP:

But I'm voting for it.

P.O. POSTAL:

-- is voting or it, but he doesn't want to be a cosponsor. The rest of us would like to be.

LEG. CARPENTER:

I don't want to cosponsor.

P.O. POSTAL:

And all in favor? Opposed? Except Legislator Bishop, who is not a cosponsor, but he's voting for it.

LEG. CRECCA:

No cosponsor.

MR. BARTON:

No cosponsor, okay.

LEG. FOLEY:

I'm not a cosponsor.

LEG. FISHER:

I don't want to be a cosponsor either. No, we don't want to be cosponsors.

LEG. FIELDS:

Legislator Postal, can I say something?

LEG. FOLEY:

I'm in favor of it, but that's it.

MR. BARTON:

15-3.

P.O. POSTAL:

Sense 19 is approved. Legislator -- I recognize Legislator Fields.

LEG. FIELDS:

Is Legislator Haley still here?

LEG. FOLEY:

He's coming back.

LEG. TOWLE:

He's up at the Treasurer's Office.

LEG. FOLEY:

This is not his last meeting.

LEG. BISHOP:

It's not his last meeting.

LEG. FISHER:

This is not his last meeting?

LEG. FIELDS:

This is not his last meeting? Then forget it.

LEG. TOWLE:

You've got a lot of bad things you want to say about him?

P.O. POSTAL:

But she decided, you know -- at any rate, I think that's it.

MS. BURKHARDT:

That's it. That's it.

P.O. POSTAL:

Okay. Meeting is adjourned.

[THE MEETING WAS ADJOURNED AT 11:14 P.M.]